

# MEETING AGENDA

The City Council/Successor Agency of the City of Firebaugh  
Vol. No.19/12-16

**Location of Meeting:** Andrew Firebaugh Community Center  
1655 13<sup>th</sup> Street, Firebaugh, CA 93622  
**Date/Time:** December 16, 2019/6:00 p.m.

## CALL TO ORDER

### ROLL CALL

Mayor Marcia Sablan  
Mayor Pro Tem Elsa Lopez  
Council Member Freddy Valdez  
Council Member Brady Jenkins  
Council Member Felipe Pérez

In compliance with the Americans with Disabilities Act, if you need special assistance to access the Andrew Firebaugh Community Center to participate at this meeting, please contact the Deputy City Clerk at (559) 659-2043. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the Andrew Firebaugh Community Center.

Any writing or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at City Hall, in the Deputy City Clerk's office, during normal business hours.

## PLEDGE OF ALLEGIANCE

## PUBLIC COMMENT

## REORGANIZATION

### 1. REORGANIZATION OF CITY COUNCIL.

- A. Mayor
- B. Mayor Pro Tem

## CONSENT CALENDAR

Items listed on the calendar are considered routine and are acted upon by one motion unless any Council member requests separate action. Typical items include minutes, claims, adoption of ordinances previously introduced and discussed, execution of agreements and other similar items.

### 2. APPROVAL OF MINUTES – The City Council regular meeting on December 2, 2019.

### 3. WARRANT REGISTER – Period starting November 1, and ending on November 30, 2019.

November 2019	General Warrants	#38971 - #39104	\$ 816,062.45
	Payroll Warrants	#71161 - #71178	\$ 234,128.28
<b>TOTAL</b>			<b>\$ 1,050,190.73</b>

### 4. CITY OF FIREBAUGH 2020 HOLIDAY SCHEDULE.

### 5. CITY OF FIREBAUGH 2020 COUNCIL MEETING SCHEDULE.

### 6. CITY OF FIREBAUGH 2020 COMMITTEE ASSIGNMENT.

## PUBLIC HEARING

### 7. RESOLUTION NO. 19-58 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING AN AMENDMENT TO TENTATIVE SUBDIVISION MAP 2018-01 (CEN CAL BUILDERS (DEL RIO PLACE)).

**Recommended Action:** City Council received public comments & approves Res. 19-58.

8. **RESOLUTION NO. 19-68 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE VALLEY HEALTH TEAM PROJECT (GENERAL PLAN AMENDMENT/ZONE CHANGE 2019-03 AND AMENDMENT TO CONDITIONAL USE PERMIT 2016-01).**

**Recommended Action:** City Council received public comments & approves Res. 19-68.

9. **RESOLUTION 19-69 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING GENERAL PLAN AMENDMENT 2019-03 (VALLEY HEALTH TEAM).**

**Recommended Action:** City Council received public comments & approves Res. 19-69.

10. **ORDINANCE NO. 19-07 - AN ORDINANCE OF THE CITY OF FIREBAUGH, COUNTY OF FRESNO, STATE OF CALIFORNIA, AMENDING ORDINANCE NO. 359, OF THE CITY OF FIREBAUGH, RELATING TO THE CLASSIFICATION OF THE ZONE OF PARTICULAR PARCELS OF REAL PROPERTY – FIRST READING.**

**Recommended Action:** City Council received public comments & waives first reading ord. 19-07.

#### NEW BUSINESS

11. **RESOLUTION NO. 19-64 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING PAYMENT OF INVOICE FOR MUNICIPAL CODE SERVICES TO GENERAL CODE.**

**Recommended Action:** City Council received public comments & approves Res. 19-64.

12. **RESOLUTION NO. 19-65 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT DEFERRING BUILDING PERMIT FEES.**

**Recommended Action:** City Council received public comments & approves Res. 19-65.

13. **RESOLUTION NO. 19-66 - AUTHORIZING AND DIRECTING THAT APPLICATION BE MADE TO OBTAIN A GRANT UNDER THE SUSTAINABLE GROUNDWATER MANAGEMENT GRANT PROGRAM'S PLANNING GRANT – ROUND 3 AND TO ENTER INTO AN AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF WATER RESOURCES TO RECEIVE A GRANT FOR THE DELTA-MENDOTA SUBBASIN SUPPLEMENTAL GSP DEVELOPMENT PROPOSAL.**

**Recommended Action:** City Council received public comments & approves Res. 19-66.

14. **RESOLUTION NO. 19-67 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING A DEVELOPMENT AGREEMENT WITH ELEMENT 7 FIREBAUGH LLC FOR A COMMERCIAL CANNABIS BUSINESS.**

**Recommended Action:** City Council received public comments & approves Res. 19-67.

#### STAFF REPORTS

#### PUBLIC COMMENT ON CLOSED SESSION ITEM ONLY

#### CLOSED SESSION

#### ANNOUNCEMENT AFTER CLOSED SESSION

#### ADJOURNMENT

#### **Certification of posting the Agenda**

I declare under penalty of perjury that I am employed by the City of Firebaugh and that I posted this agenda on the bulletin boards at City Hall, December 13, 2019 at 5:00 p.m. by Rita Lozano Deputy City Clerk.

# MEETING MINUTES

The City Council/Successor Agency of the City of Firebaugh  
Vol. No. 19/12-02

Location of Meeting: Andrew Firebaugh Community Center  
1655 13<sup>th</sup> Street, Firebaugh, CA 93622  
Date/Time: December 2, 2019/6:00 p.m.

**CALL TO ORDER** Meeting called to order by Mayor Sablan at 6:00 p.m.

**ROLL CALL** Mayor Marcia Sablan  
Mayor Pro Tem Elsa Lopez  
Council Member Freddy Valdez  
Council Member Brady Jenkins  
Council Member Felipe Perez

**ABSENT:**

**OTHERS:** City Attorney Jim Sanchez; City Manager/Acting Public Works Director, Ben Gallegos; Deputy Clerk, Rita Lozano; Finance Director, Pio Martin; Police Chief, Sal Raygoza; Fire Chief, John Borboa; Mario Gouveia, City Engineer, Wanda Breshears, Sandy Duke, Blanca Diaz, Rowena Phillips, Dwight & Linda McCraw, Linda Espinoza, & others.

**PLEDGE OF ALLEGIANCE** Council Member Perez led pledge of Allegiance.

## APPROVAL OF THE AGENDA

*Motion to approve agenda by Council Member Valdez, second by Council Member Perez; motion pass by 5-0 vote.*

## PUBLIC COMMENT

President Brenda Thames of the West Hills College, stated West Hills College, are seeking local residents to fill vacant positions for their North District Citizens' Bond Oversight Committee. Vacant positions to be filled on the Citizen's Bond Oversight Committee are for a Taxpayer Organization Member (Active in a bona fide taxpayers association), and Member of College Support Organization (Active in the support & organization of the District such as Boosters, West Hills Community College Foundation, etc.). Any individuals that may be interested can pick up an application at Firebaugh City Hall or West Hills College website.

**PRESENTATION** None

## CONSENT CALENDAR

### 1. APPROVAL OF MINUTES – The City Council Regular Meeting on November 18, 2019.

*Motion to approve minutes by Council Member Valdez, second by Council Member Lopez; motion pass by 5-0 vote.*

## PUBLIC HEARING

### 2. RESOLUTION NO. 19-60 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING CONDITIONAL USE PERMIT 2019-02 (ELEMENT 7 CANNABIS BUSINESS).

OR

RESOLUTION 19-60 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH DENYING CONDITIONAL USE PERMIT 2019-02 (ELEMENT 7 CANNABIS BUSINESS).

*Open hearing time at 6:13 pm – Pastor Juan Rangel stated their Church is a place of worship which is next to the Proposed Business and is opposed to the business for many reasons. One of his concerns is this business will be distributing marijuana and people will come but no one knows, what kind of people will come, City of Firebaugh is considering to be one of the best communities in the valley & we "residents" don't want it to change. Chris*

Gutierrez stated he once was involved in gangs & drugs, what brought him to Firebaugh was the men's home at the Church, which helped change his life and stated this business is not good for the community or the kids of the community, but especially not located across from the men's home where people come to seek help for issues with drugs, "I Oppose". Wanda Breshears, "I oppose, by allowing this business to come into the community, we are going to lose the heart of the city. Firebaugh is a unique city, which rallies around each other when needed, I believe, we are going to risk the heart, I pled to the Mayor & Council to please vote no." Luis Rosas, "I left Firebaugh to go to school & moved back because my heart is in Firebaugh, I'm raising my kids here because of the values of Firebaugh. I attend High School with student that 4.0, some of those students, my peers started to fail because they became users of drugs, I appeal to you to not bring this business here. Marijuana is a gateway drug that leads to other things, just because it is legal doesn't make it right, such as alcohol can lead to alcoholism. As someone who has been born & raised in this community and who has contributed with coaching please oppose this business based on what could happen. Just look at surrounding communities, they are in worst shape and we don't want to go in that direction." Jesus Luzanilla, "I oppose, I use to use drugs, I tried many ways to get out & away from that life but I couldn't on my own, it was the men's home that helped me. I thank God for giving me a second chance to change my life, be a better Father and other come from to the men's home for help, across next to the business." Rowena Phillips, "I have lived in Firebaugh since 194, Our we willing to sell the future of our kids for \$100,000, the presentation that was just given mentioned a possible dispensary in the future at this business with vaping products. If the business is so good, why the need for security, gates, unmarked vehicles, panic buttons, motion detectors and additional officers." Linda Espinoza, "You (Council) are here to serve the people, look at all of the people that are here opposing the business, I don't believe we need this in our community. I don't wish to be in your shoes, it is a difficult position to be in." Jim, "I'm Marcia's patient, I told someone that I was planning on speaking & they told me Council is just going to pass it, but I wanted to provide an article from AARP Bulletin, September 2019 "Cannabis: Where is it legal?" Sandy Duke, "I'm here to speak for myself & as a representative of the Eagle's Nest, a youth wide ministry, our local officers have assigned students from the judicial system. Legally the City has meet the requirements as the Attorney has said, it is at the Council's discretion to approve or deny the business. I have an issue with the location of the business because it is across from the Church & Rehab facility, which is like a slap in the face to the individuals that have seek helped for their rehab." Pricilla Perez, "if the distribution must be at least 600 Feet from a school, the Church also has a bible school for kids. Alejandro Perez, "I grew up in Firebaugh but the past 2 ½ years I've lived in Fresno due to work but Firebaugh is where my heart is at. I'm having a baby and I have discussed with my wife the possibility of coming back but it will not likely considered if this business is approved. I've stayed in-touch with staff, teachers, and help with the track & field team and infused them with pride, hard work among other important lessons. I work for a general contractor and \$100,000 is not a lot of money, it wouldn't go very far too even rehab a street, maybe just pay for labor and not even material. The monetary value is not a lot, ethically it's not worth the risk, and many people here have stated the values of the community is more important to them. Firebaugh is known for positive things, I don't want to say we're known for distributing marijuana. Woodlake was one of the cities to approve something like this and Woodlake is not as safe as it was. Residents have told us of things that happen there and said things changes once a similar business started their operations." Linda McCraw, "I have listened to all of the great people that spoke and it opens up concern, Will it bring more crime? We work together, it is a blessed town because of everyone works together, I would much rather be known for that." Jose attends the Church but in a Janitor at an apartment complex, a gentleman told him, he was informed he was not allowed to smoke in public but we are considering a business to distribute marijuana, oppose the business. A local resident, who isn't a user of marijuana but was seeking employment, mentioned when Mendota opened their dispensary, he considered working there but went to China when the business opened, which was a blessing because had he worked there he would not be able to become a USA citizen because it is still not legal by the Federal Government. - **Closing hearing time at 7:34 pm**

Council Members Spoke, Valdez thanked everyone, stated he did his research and prayed on making the right decision but learned the Cities that operate similar business have statics that crime has gone down. "The community is a good community because of the people that live here, they are the fabric of the community. The business will not change that." Perez stated he and six other individuals went door to door to take a survey and found many of the users were senior citizens because the needed it medically. Lopez added, "When it voted to make marijuana legal, she voted no and the community voted 50% in favor & 50% against but marijuana use was approved, I don't think it would be good for the community." Sablan, "I also believe we have a since of pride in our town."

**Motion to approve Res. No. 19-60 by Council Member Valdez, second by Council Member Perez; motion passes by 3-2 vote. Jenkins & Lopez – No**

- ✓ *Motion to add Res. No. 19-63 to the agenda due to time sensitive matter & a published hearing noticed advertised in August to hold the Public Hearing today, December 2, 2019 by Council Member Lopez, second by Council Member Jenkins; motion pass by 5-0 vote.*

7. RESOLUTION NO. 19-63 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH IN ITS CAPACITY AS THE CITY OF FIREBAUGH'S GROUNDWATER SUSTAINABILITY AGENCY ADOPTING A GROUNDWATER SUSTAINABILITY PLAN FOR PORTIONS OF THE DELTA - MENDOTA SUBBASIN.

*Open hearing time at 7:35 pm - No comment given - Closing hearing time at 7:36 pm*

*Motion to approve Res. No. 19-63 by Council Member Lopez, second by Council Member Perez; motion pass by 5-0 vote.*

NEW BUSINESS

3. THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO CONSIDER AND DISCUSS AMENDING THE TRAVEL EXPENSE AND USE OF PUBLIC RESOURCES POLICY- RESOLUTION NO. 14-05.

*No action taken, information only.*

4. THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO CONSIDER AND DISCUSS STREET BARRIERS AND/OR SPEED BUMPS.

*Police Department will start enforcing & citing individuals that double park, speed & make illegal u turns and will provide a report to Council in 30 days for review and further discussion. Council directed staff to place barriers at High School.*

- ✓ *Motion to move to Successor Agency @ 8:21 pm, by Council Member Jenkins, second by Council Member Valdez; motion pass by unanimous 5-0 vote.*

SUCCESSOR AGENCY

5. RESOLUTION NO. 19-61 - A RESOLUTION OF THE SUCCESSOR AGENCY OF THE FIREBAUGH REDEVELOPMENT AGENCY APPROVING A CONTRACT WITH RSG, INC. TO PROVIDE CONSULTING SERVICES TO THE SUCCESSOR AGENCY IN FISCAL YEAR 2020-21.

*Motion to approve Res. No. 19-61 by Council Member Jenkins, second by Council Member Lopez; motion pass by 5-0 vote.*

6. RESOLUTION NO. 19-62 - A RESOLUTION OF THE SUCCESSOR AGENCY TO THE FIREBAUGH REDEVELOPMENT AGENCY APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR JULY 1, 2020 THROUGH JUNE 30, 2021 AND THE ADMINISTRATIVE BUDGET FOR JULY 1, 2020 THROUGH JUNE 30, 2021.

*Motion to approve Res. No. 19-62 by Council Member Valdez, second by Council Member Jenkins; motion pass by 5-0 vote.*

- ✓ *Motion to enter City Council business @ 8:30 pm, by Council Member Valdez, second by Council Member Jenkins; motion pass by unanimous 5-0 vote.*

## STAFF REPORTS

- **Police Chief Sal Raygoza** – Officer Monay has almost completed his k-9 training & will be on patrol soon but k-9 will only detect narcotics. Officer Tabares is improving well & could possibly return to work in January. You may have seen on Channel 30, we found quite a bit of stolen property in town and stolen property in another place, it's totaling close to about \$300,000. PD has received calls from individuals from Madera, Merced & other counties inquiring about their stolen property. Some of the property was destroyed, one family had their SUV stolen and their insurance had lapsed, it was their only form of transportation, needless to say they're devastated.
- **Fire Chief, John Borboa** – nothing to report.
- **Finance Director, Pio Martin** – Working with the Auditors, made last payment for the Whitehurst Property.
- **City Engineer, Mario Gouveia** – nothing to report.
- **Deputy City Clerk, Rita Lozano** – The first Monday of December will be a council meeting, the second Monday is the Joint Meeting with the School District at the High School & the third Monday will be the second Council meeting with a Public Hearing for the Cen Cal project. I will not be attending the Joint Meeting on December 9<sup>th</sup>, to attend the Planning Meeting because of we have two Public Hearing items, the VFW Project & the Valley Health Team.
- **City Attorney, James Sanchez** – nothing to report.
- **City Manager, Ben Gallegos** – “Now that the City owns the Whitehurst Property, some individuals have showed interest in occupying it. The Christmas Parade is this weekend, I will only be there 8 hours. You will see equipment & trees will be taken down this month or next month for the solar project. Residents in the Del Rio area can't get to their home because of all the loose dirt, so I will contact the contractor to fix the problem. One resident was in to see me crying about the situation.” Greystone Estate has offered to buy dirt from City's basin in Del Rio for their project, they are trying to beat the rain. Fresno Co will deed property to the City in the Del Rio area, one property owner built a parking lot on one of the property that is being deed to the City. VFW Rehab project will go to bid soon. Chief Borboa found a set of plans to use for his potential new Fire Station, hopefully we get the grant to build it.
- **Council Member Jenkins** – Inquired about new businesses opening, other than a possible smog shop. City Manager Gallegos reported some information but is not sure of all businesses applications that have recently been submitted.
- **Council Member Valdez** – Thanked everyone for attending the Council Meeting, & hopes they will attend more.
- **Council Member Perez** – Provided an update on the 2020 Census, the volunteers started outreach by going door to door.
- **Council Member Lopez** – Thanked Ben and Volunteers from Wonderful for the service on Saturday.
- **Council Member Sablan** – attend COG meeting and there has been several discussions regarding the Transportation for Seniors that will be able to use Uber with free coupon's but they need local Uber drivers, so if we can find local residents to provide the service, COG will have a presentation on this matter in January.

## PUBLIC COMMENT ON CLOSED SESSION ITEM ONLY

### CLOSED SESSION

### ANNOUNCEMENT

### ADJOURNMENT

*Motion adjourn by Council Member Valdez, second by Council Member Perez; motion pass by 5-0 vote at 8:57 p.m.*



**REPORT TO CITY COUNCIL**  
**— MEMORANDUM —**

**AGENDA ITEM NO:** \_\_\_\_\_

**COUNCIL MEETING DATE:** December 16, 2019

**SUBJECT: Warrant Register Dated: November 1, 2019 – November 30, 2019**

**RECOMMENDATION:**

In accordance with Section 37202 of the Government Code of the State of California there is presented here with a summary of the demands against the City of Firebaugh covering obligations to be paid during the period of:

NOVEMBER 1, 2019 – NOVEMBER 30, 2019

Each demand has been audited and I hereby certify to their accuracy and that there are sufficient funds for their payment as of this date.

IT IS HEREBY RECOMMENDED THE CITY COUNCIL  
APPROVE THE REGISTER OF DEMANDS AS FOLLOWS:

GENERAL WARRANTS .....	# 38971 – #39104	<u>\$ 816,062.45</u>
PAYROLL WARRANTS.....	# 71161 – #71178	<u>\$ 234,128.28</u>

TOTAL WARRANTS..... **\$ 1,050,190.73**

**CITY OF FIREBAUGH ACCOUNTS PAYABLE**  
**WARRANTS NOVEMBER 1, 2019 - NOVEMBER 31, 2019**

<u>Check Number</u>	<u>Check Date</u>	<u>Name</u>	<u>Net Amount</u>	<u>Description</u>
38971	11/1/2019	CITY OF FIREBAUGH	\$ 40,749.33	ME CHECK OCTOBER 2019
38972	11/1/2019	ALERT-O-LITE, INC.	\$ 780.08	PW#15 WHEEL MOTOR LAWNMOWER
			\$ 176.37	ASPHALT PATCH
		Check Total:	\$ 956.45	
38973	11/1/2019	AT&T	\$ 281.30	ALL DEPT TELEPHONE
38974	11/1/2019	BIG G'S AUTOMOTIVE CENTER	\$ 322.30	PW#10-SPARK PLUGS/LABOR
			\$ 477.09	PW#6-ENGINE DIAGNOSTIC/REPAIR
		Check Total:	\$ 799.39	
38975	11/1/2019	FERNANDO CAMPA	\$ 250.00	HEALTH INSURANCE STIPEND
38976	11/1/2019	CASCADE FIRE EQUIPMENT CO	\$ 2,193.91	RESCUE SAW-REIMBURSED FDV
38977	11/1/2019	CORELOGIC SOLUTIONS, LLC.	\$ 206.00	REALQUEST FOR OCTOBER 201
38978	11/1/2019	DIAMOND LOCKSMITHS	\$ 628.19	LOCKSMITH REPAIR KEY LOCK
38979	11/1/2019	FERGUSON ENTERPRISES INC	\$ 613.24	PARTS-CLAMPS/HOOK/WRENCH
38980	11/1/2019	FIREBAUGH SUPER MARKET	\$ 32.37	DOG FOOD
			\$ 32.37	DOG FOOD
			\$ 39.98	SENIOR CENTER-BIRTHDAY CAKE
			\$ 42.05	SENIOR CENTER-SODA/WATER
			\$ 6.76	BAR S FRANKS
			\$ 50.32	DOG FOOD
			\$ 19.03	WATER/SODAS COUNCIL MEETING
			\$ 32.37	DOG FOOD
			\$ 3.23	PD-RAT TRAPS
			\$ 32.37	DOG FOOD
			\$ 22.98	SENIOR CENTER-SUPPLIES
			\$ 32.37	DOG FOOD
		Check Total:	\$ 346.20	
38981	11/1/2019	GOLDEN ONE CREDIT UNION	\$ 1,666.66	JOHN BORBOA MONTHLY STIPEND
38982	11/1/2019	INTERGRATED DESIGNS BY	\$ 48,600.00	VFW BUILDING SERVICES
			\$ 3,000.00	NEW POLICE STATION SERVIC
		Check Total:	\$ 51,600.00	
38983	11/1/2019	RODDY A. LAKE	\$ 250.97	POLICE MEDICAL RETIREE



**CITY OF FIREBAUGH ACCOUNTS PAYABLE**  
**WARRANTS NOVEMBER 1, 2019 - NOVEMBER 31, 2019**

<u>Check Number</u>	<u>Check Date</u>	<u>Name</u>	<u>Net Amount</u>	<u>Description</u>
38984	11/1/2019	LOZANO SMITH ATTORNEYS A.	\$ 5,236.96	GENERAL LEGAL MATTERS
			\$ 55.50	CODE ENFORCEMENT SERVICES
			\$ 1,572.50	MARIJUANA REGULATION
			\$ 629.00	PERSONNEL MATTERS LEGAL SERV.
		Check Total:	\$ 7,493.96	
38985	11/1/2019	SANDRA J. MARQUEZ	\$ 250.00	HEALTH INSURANCE STIPEND
38986	11/1/2019	MID-VALLEY DISPOSAL	\$ 66.26	1800 HELM CANAL
38987	11/1/2019	MIGUEL'S PLUMBING SERVICE	\$ 200.00	UNPLUGGED MAIN SEWER LINE
38988	11/1/2019	RICARDO MONAY	\$ 250.00	HEALTH INSURANCE STIPEND
38989	11/1/2019	JENNIFER PEREZ	\$ 120.00	FACE PAINTER/BALLOON TWIST
38990	11/1/2019	PINNACLE PUBLIC FINANCE,	\$ 63,715.70	WATER REVENUE REFUNDING BOND
38991	11/1/2019	IXIL G. PINA	\$ 150.00	A/F HALL CLEANING DEPOSIT
38992	11/1/2019	PITNEY BOWES #8000-9090-	\$ 520.99	POSTAGE REFILL 10/14/2019
38993	11/1/2019	PRECISION CONCRETE CUTTIN	\$ 2,000.00	MALDONADO PARK-SIDEWALK
38994	11/1/2019	QUILL CORPORATION	\$ 438.12	SENIOR CENTER JANITORIAL
			\$ 432.60	REAM PAPER XMAS PARADE/PD
			\$ 11.87	CITY HALL-NOTECARDS
			\$ 87.45	SENIOR CENTER-MOP BUCKET
		Check Total:	\$ 970.04	
38995	11/1/2019	RAIN FOR RENT	\$ 5,132.68	WATERPLANT WELL 16-SUPPLIES
38996	11/1/2019	GRACIELA V. RODRIGUEZ	\$ 250.00	HEALTH INSURANCE PER MOU
38997	11/1/2019	SUN'S INTERNATIONAL CORP	\$ 72.56	COMMUNITY CENTER-PAPER ROLL
			\$ 136.05	COMMUNITY CENTER-PAPER ROLL
			\$ 9.18	SHOP-VINYL GLOVES
		Check Total:	\$ 217.79	
38998	11/1/2019	RODOLFO TABARES	\$ 250.00	HEALTH INSURANCE STIPEND
38999	11/1/2019	TANGO TANGO, INC.	\$ 2,410.00	FD-INTEGRATION SERVICES
39000	11/1/2019	TECH MASTER MANAGEMENT	\$ 150.00	CITY HALL/PW/SENIOR CENTER

**CITY OF FIREBAUGH ACCOUNTS PAYABLE**  
**WARRANTS NOVEMBER 1, 2019 - NOVEMBER 31, 2019**

<u>Check</u> <u>Number</u>	<u>Check</u> <u>Date</u>	<u>Name</u>	<u>Net</u> <u>Amount</u>	<u>Description</u>
39001	11/1/2019	THARP'S FARM SUPPLY	\$ 5.06	PLUG
			\$ 18.14	FD-JEW CABLE
			\$ 6.80	9VOLT AKALINE
			\$ 70.59	OIL STABILIZER GAL
			\$ 18.25	SAHOP-PHOTOELECTRIC
			\$ 42.70	TRAILER JACK
			\$ 3.01	SPRAY 32OZ
			\$ 15.96	LOCK/SECURITY HASP
			\$ 13.28	REPLACEMENT SPOUT KIT
			\$ 14.02	RESTROOMS-PINESOL/BLEACH
			\$ 68.37	WATER SOFTNER/MOUSE GLUE
			\$ 65.16	ELECTRICAL WIRE
			\$ 65.16	ELECTRICAL WIRE
			\$ 5.34	HEAT SHRINK
			\$ 84.44	SHOP TOOLS-ROSIN CORE
			\$ 19.72	WEST HILLS-PVC GLUE/COUPLING
			\$ 15.32	CITY HALL-DRAIN KING
			\$ 14.43	COUPLER/MALE ADAPTER
			\$ 11.27	RESTROOMS-CURTIS KEYS/TOWEL
			\$ 7.18	UTILITY V-BELT
			\$ 25.15	HANDLES FOR RESTROOMS
			\$ 17.54	HOOK LOOP
			\$ 40.09	PARTS-NUT/FLATWASHER/ALLS
			\$ 18.73	COMMUNITY CENTER TABLES
			\$ 11.43	FD-NOZZLE
			\$ 22.09	PW#4-HOOK SET
			\$ 3.24	CURTIS KEYS
			\$ 3.24	COMMUNITY CTR-CURTIS KEYS
			\$ 50.97	ALLS IN BOX/V BELTS
			\$ 72.45	SHOP-SPRAYER
			\$ 10.13	GRIND DISC
			\$ 6.44	HITCH PIN CLIP
			\$ 11.25	PARK TABLE-LAG SCREW/WASH
			\$ 4.84	GREEN TRAILER-WHIZ NUT
			\$ 12.87	PW#36-HITCH PIN CLIP
			\$ 9.72	CURTIS KEYS
			\$ 8.58	WTP#2-CLOTH
			\$ 20.41	COMMUNITY CTR-2PK BATTERY
			\$ 55.33	WELL#16-TUBE/VALVE/NUT
			\$ 52.58	WELL#16-ELBOW/NIPPLE/VALVE
			\$ 56.09	SENIOR CENTER-WATER SOFTNER
			\$ 15.42	WATER LEAK CLINE ST-ELBOW
			\$ 51.91	PW#36-RATCHET STRAP
			\$ 32.87	REPAIR FAUCET AT SHOP-NIP
			\$ 25.89	WELL#16-ELBOW/BUSHING

**CITY OF FIREBAUGH ACCOUNTS PAYABLE**  
**WARRANTS NOVEMBER 1, 2019 - NOVEMBER 31, 2019**

<u>Check</u> Number	<u>Check</u> Date	<u>Name</u>	<u>Net</u> Amount	<u>Description</u>
39001	11/1/2019	THARP'S FARM SUPPLY	\$ 315.62	VAC TRAILER-FILTERS
			\$ 33.03	FLANGE
		Check Total:	\$ 1,552.11	
39002	11/1/2019	UNDERGROUND SERVICE ALER	\$ 173.63	ADMINISTRATION DUES/FEES
39003	11/1/2019	UNIFIRST CORPORATION	\$ 54.96	SHOP
			\$ 14.73	COMMUNITY CENTER
			\$ 9.57	CITY HALL
			\$ 13.79	SENIOR CENTER
			\$ 54.96	SHOP
			\$ 14.73	COMMUNITY CENTER
			\$ 9.57	CITY HALL
			\$ 13.79	SENIOR CENTER
			\$ 81.25	SHOP
			\$ 14.73	COMMUNITY CENTER
			\$ 9.57	CITY HALL
			\$ 13.79	SENIOR CENTER
			\$ 57.02	SHOP
			\$ 14.73	COMMUNITY CENTER
			\$ 9.57	CITY HALL
			\$ 13.79	SENIOR CENTER
		Check Total:	\$ 400.55	
39004	11/1/2019	DATAPATH	\$ 992.50	MONTHLY MONITORING SERVICE
39005	11/1/2019	WEST SIDE DRUG STORE	\$ 0.19	FD-INTEREST CHARGE
			\$ 8.69	FD-GLADE CARPET
		Check Total:	\$ 8.88	
39006	11/5/2019	AGRI-VALLEY IRRIGATION LL	\$ 18.29	STREET LIGHTS-PIPE PVC/ELBOW
			\$ 32.41	REPAIR SIDEWALK-REDI MIX
			\$ 60.15	NEES WATER LEAK-COUPPLING
			\$ 17.51	TRUCK#32-BYPASS PRUNER
			\$ 138.99	DUNKLE PARK-HYDRO RAIN
			\$ 51.59	VAC TRUCK-RINGLOCK
			\$ 5.34	SCOUT ISLAND PARKS-TEE SCHEDULE
			\$ 7.18	WELL#11- GASKET FULL FACE
		Check Total:	\$ 331.46	
39007	11/5/2019	OSCAR J. GARCIA,CPA	\$ 46.22	007-110-38 .18 AC SEC 19
			\$ 46.22	007-110-23 9588 N DOS PAL
		Check Total:	\$ 92.44	

**CITY OF FIREBAUGH ACCOUNTS PAYABLE**  
**WARRANTS NOVEMBER 1, 2019 - NOVEMBER 31, 2019**

<u>Check</u> <u>Number</u>	<u>Check</u> <u>Date</u>	<u>Name</u>	<u>Net</u> <u>Amount</u>	<u>Description</u>
39008	11/5/2019	MID-VALLEY DISPOSAL	\$ 28,478.88	DISPOSAL SERVICES PERFORM
39009	11/5/2019	THOMASON TRACTOR COMPAN	\$ 269.88	HEDGE TRIMMER
			\$ 245.52	DISC-SUPPORT/FREIGHT
		Check Total:	\$ 515.40	
39010	11/5/2019	U.S. BANK EQUIPMENT FINAN	\$ 1,088.05	RNT/LEASE EQUIP
39011	11/5/2019	U.S. POSTMASTER	\$ 842.50	UTILITY BILLING NOVEMBER 2019
39012	11/6/2019	CITY OF FIREBAUGH	\$ 96,803.93	PAYROLL ENDING 11/01/2019
39013	11/8/2019	ADAMS ASHBY GROUP, LLC	\$ 4,500.00	GENERAL ADMIN-VFW BIDDING
39014	11/8/2019	AG & INDUSTRIAL SUPPLY	\$ 80.90	LOCK WASHER/GREEN TRAILOR
39015	11/8/2019	CED-FRESNO	\$ 93.94	STREET LIGHT LAMP
39016	11/8/2019	COLLINS & SCHOETTLER	\$ 4,335.00	PLANNING CONSULTING OCTOBER
39017	11/8/2019	CULLIGAN	\$ 97.86	CITY HALL/WILL RECEIVE CREDIT
			\$ 102.72	PW/WILL RECEIVE CREDIT
			\$ 97.86	SENIOR CENTER/RECEIVE CREDIT
			\$ 97.86	PD WILL RECEIVE CREDIT
		Check Total:	\$ 396.30	
39018	11/8/2019	FRESNO OXYGEN	\$ 60.20	PW-SHOP
39019	11/8/2019	GUTHRIE PETROLEUM, INC.	\$ 1,321.23	BULK UNLEADED GASOLINE
			\$ 928.18	BULK UNLEADED GASOLINE
			\$ 1,067.97	BULK UNLEADED GASOLINE
			\$ 1,363.63	BULK UNLEADED GASOLINE
			\$ 1,517.61	BULK DIESEL
		Check Total:	\$ 6,198.62	
39020	11/8/2019	HCL MACHINE WORKS	\$ 507.94	REPAIR TRAILER DOOR/INSTALL
39021	11/8/2019	HOME DEPOT CREDIT SERVICE	\$ 29.49	PD K9 KENNEL SUPPLIES
			\$ 612.48	PD K9 KENNEL
			\$ 176.52	SHOP/WESTHILLS SUPPLIES
		Check Total:	\$ 818.49	
39022	11/8/2019	INTERGRATED DESIGNS BY	\$ 19,080.00	VFW BUILDING SERVICES
			\$ 3,000.00	FIRE STATION SERVICES
		Check Total:	\$ 22,080.00	

**CITY OF FIREBAUGH ACCOUNTS PAYABLE**  
**WARRANTS NOVEMBER 1, 2019 - NOVEMBER 31, 2019**

<u>Check</u> <u>Number</u>	<u>Check</u> <u>Date</u>	<u>Name</u>	<u>Net</u> <u>Amount</u>	<u>Description</u>
39023	11/8/2019	MANUELS TIRE SERVICE, INC	\$ 16.26	RADIAL PATCH
			\$ 95.41	VALVE STEM
Check Total:			\$ 111.67	
39024	11/8/2019	PACIFIC GAS & ELECTRIC	\$ 86.14	FIRE DEPT #3228327255-0
39025	11/8/2019	QUILL CORPORATION	\$ 50.46	SUPPLIES FOR MEETING
39026	11/8/2019	BRENDA RIVERA	\$ 129.01	UTILITIES ADJUSTMENT REFUND
39027	11/8/2019	SAN JOAQUIN VALLEY	\$ 577.00	19/20 ANNUAL PERMITS TO OPERATE
39028	11/8/2019	SOLORIO TAYLOR TRANSLATO	\$ 25.00	ONE PAGE FLYER TRANSLATION
			\$ 25.00	ONE PAGE TRANSLATION
Check Total:			\$ 50.00	
39029	11/8/2019	USA BLUEBOOK	\$ 1,913.79	SEWER LAB ANALYSIS
39030	11/8/2019	WITMER PUBLIC SAFETY GROU	\$ 100.00	FD-GRAPHICS EQUIPMENT
39031	11/8/2019	BEDA ZAVALITA	\$ 150.00	A/F HALL CLEANING DEPOSIT
39032	11/14/2019	AUTOZONE COMMERCIAL (1379	\$ (59.39)	STRUT SPRING SOMP OEM
			\$ 89.59	ULTRA LT SHOCK /DL TIE
			\$ (30.22)	DL TIE ROD END
			\$ 13.80	TURTLE WAX CAR WASH
			\$ 72.47	PW#10-SPARK PLUG
			\$ 10.34	PD#10-OILT FILTER/GORILLA
			\$ 177.96	PW#4-RADIATOR/COOLANT
			\$ 73.40	PW#4-RADIATOR HOSE/HOSE
			\$ 93.93	PW#4-INTERIOR DOOR HANDLE
			\$ 21.58	DURALAST COOLANT TEMP SENSOR
			\$ 53.92	PD#10-ULTRA BULBS
			\$ 41.22	TRUCK#39-TRUNK LIFT
			\$ 26.98	PW#4-DURALAST THERMOSTAT
			\$ (20.61)	TRUNK LIFT SUP SUPPORT
			\$ 17.27	SHOP TOOL-TAMPER SECURITY
			\$ 4.99	MICRO BLADE FUSE ASSORTME
			\$ 77.39	PW#32-FUSE HOLDER/SEAT COVER
			\$ 73.60	FD-CLOTHS/WRENCH SET/SOCK
Check Total:			\$ 738.22	
39033	11/14/2019	BSK & ASSOCIATES, INC.	\$ 37.50	LAB ANALYSIS
			\$ 510.00	LAB ANALYSIS
			\$ 270.00	LAB ANALYSIS

**CITY OF FIREBAUGH ACCOUNTS PAYABLE**  
**WARRANTS NOVEMBER 1, 2019 - NOVEMBER 31, 2019**

<u>Check</u> <u>Number</u>	<u>Check</u> <u>Date</u>	<u>Name</u>	<u>Net</u> <u>Amount</u>	<u>Description</u>
39033	11/14/2019	BSK & ASSOCIATES, INC.	\$ 180.00	LAB ANALYSIS
			\$ 37.50	LAB ANALYSIS
			\$ 55.00	LAB ANALYSIS
			\$ 70.00	LAB ANALYSIS
			\$ 45.00	LAB ANALYSIS
			\$ 55.00	LAB ANALYSIS
			\$ 37.50	LAB ANALYSIS
			\$ 87.52	LAB ANALYSIS
			\$ 68.76	LAB ANALYSIS
			\$ 56.28	LAB ANALYSIS
			\$ 45.00	LAB ANALYSIS
			\$ 70.00	LAB ANALYSIS
			\$ 37.50	LAB ANALYSIS
			\$ 56.28	LAB ANALYSIS
			\$ 87.52	LAB ANALYSIS
			\$ 68.76	LAB ANALYSIS
		Check Total:	\$ 1,875.12	
39034	11/14/2019	COMCAST	\$ 705.88	PD INTERNET #909093831
39035	11/14/2019	ELITE UNIFORMS	\$ 716.62	PD-BALLISTIC WITH BLACK
39036	11/14/2019	FIRST BANKCARD	\$ 68.18	PD-COSTCO
			\$ 10.10	BEN-UBER LEAGUE OF CITIES
			\$ 10.10	BEN-UBER LEAGUE OF CITIES
			\$ 506.46	BEN-RESIDENCE INN LEAGUE
			\$ 787.98	PD-SPEEDTECH LIGHTS PATROL
			\$ 33.50	PIO-FRESNO COUNTY RECORDER
			\$ 400.00	PIO-LEAGUE OF CITIES 2019
			\$ 10.10	BEN-UBER LEAGUE OF CITIES
			\$ 52.69	BEN-OUTBACK STEAKHOUSE LUNCH
			\$ 458.46	BEN-RESIDENCE INN LEAGUE
			\$ 458.46	BEN-RESIDENCE INN LEAGUE
			\$ 78.01	BEN-CHEVRON LEAGUE OF CITIES
			\$ 45.78	BEN-FIREBAUGH RESTAURANT MTG
			\$ 36.19	BEN-UBER LEAGUE OF CITIES
			\$ 5.00	BEN-UBER LEAGUE OF CITIES
			\$ 15.76	BEN-UBER LEAGUE OF CITIES
			\$ 53.93	FD-SMART KOMM CRICKET
			\$ 18.34	FD-AMAZON BELT CLIP OTTER
			\$ 55.04	FD-AMAZON BATTERIES
			\$ 722.94	PD-SPEEDTECH LIGHTS F150
			\$ 16.67	PD-PEOPLEFACTS
			\$ 113.35	PD-WALMART K9 SUPPLIES
			\$ 9.99	PD-DRIVERSUPPORTBILL.COM

**CITY OF FIREBAUGH ACCOUNTS PAYABLE**  
**WARRANTS NOVEMBER 1, 2019 - NOVEMBER 31, 2019**

<u>Check</u> <u>Number</u>	<u>Check</u> <u>Date</u>	<u>Name</u>	<u>Net</u> <u>Amount</u>	<u>Description</u>
39036	11/14/2019	FIRST BANKCARD	\$ 156.23	PIO-JUMPING OF FRESNO XMAS
		Check Total:	\$ 4,123.26	
39037	11/14/2019	FIREBAUGH HARDWARE COMP.	\$ 30.81	PD-SCREWS
			\$ 29.14	DOUGLAS FIR
			\$ 48.56	ASHPALT BLACK PATCH
		Check Total:	\$ 108.51	
39038	11/14/2019	FRESNO COUNTY TREASURER	\$ 162.24	ACCESS FESS OCTOBER 2019
39039	11/14/2019	OSCAR J. GARCIA,CPA	\$ 1,386.60	FRESNO COUNTY 2019/20
39040	11/14/2019	KEVIN GIBSON	\$ 200.00	DEPOSIT DSK CARRRIAGE RENTAL
39041	11/14/2019	J.C. CLEANING	\$ 135.00	CLEAN POLICE DISPATCH OFF
39042	11/14/2019	KER WEST, INC. DBA	\$ 120.00	PUBLIC HEARING DEL RIO PLACE
39043	11/14/2019	KIMBALL-MIDWEST	\$ 40.34	PW-WHEEL
39044	11/14/2019	LAW ENFORCEMENT SYSTEMS	\$ 164.00	PD-PARKING VIOLATION
39045	11/14/2019	MANUEL'S SMALL ENGINE REP	\$ 458.98	FD-REPAIR ECHO RESCUE
39046	11/14/2019	MID-VALLEY DISPOSAL	\$ 745.38	NEW PD CONTAINERS CLEANUP
39047	11/14/2019	MARTHA PARRA	\$ 150.00	A/F HALL CLEANING DEPOSIT
39048	11/14/2019	PROFORCE	\$ 1,149.93	PD TASER-R. TABARES
39049	11/14/2019	QUILL CORPORATION	\$ 146.78	REGISTER PAPER/HP CARTRIDGE
39050	11/14/2019	STAPLES BUSINESS CREDIT	\$ 647.84	PD-OFFICE EQUIPMENT
39051	11/14/2019	SUN'S INTERNATIONAL CORP	\$ 72.56	PD-PAPER ROLL TOWELS
39052	11/14/2019	TECH MASTER MANAGEMENT	\$ 40.00	PD PEST CONTROL
39053	11/14/2019	VERIZON WIRELESS	\$ 38.01	BRADY'S TABLET INTERNET
39054	11/14/2019	ALFRED L. WHITEHURST	\$ 100,000.00	WHITEHURST 1074 P ST LOAN
39055	11/20/2019	ACE TROPHY SHOP	\$ 421.10	(7) TROPHIES FOR CHRISTMAS
39056	11/20/2019	MARIA ANDRADE	\$ 150.00	A/F HALL CLEANING DEPOSIT

**CITY OF FIREBAUGH ACCOUNTS PAYABLE**  
**WARRANTS NOVEMBER 1, 2019 - NOVEMBER 31, 2019**

<u>Check</u> <u>Number</u>	<u>Check</u> <u>Date</u>	<u>Name</u>	<u>Net</u> <u>Amount</u>	<u>Description</u>
39057	11/20/2019	ARC ARCHAEOLOGY RESOURC	\$ 2,505.00	PRINTED AND DIGITAL REPORT
39058	11/20/2019	EDDIE RUIZ LAW OFFICE	\$ 3,794.00	COURT ORDER RELEASE
39059	11/20/2019	HUB INTERNATIONAL	\$ 148.68	SPECIAL EVENT INSURANCE
			\$ 148.68	SPECIAL EVENT INSURANCE
			\$ 148.68	SPECIAL EVENT INSURANCE
		Check Total:	\$ 446.04	
39060	11/20/2019	BRADY JENKINS	\$ 300.00	MONTHLY SALARY ATTENDANCE
39061	11/20/2019	KER WEST, INC. DBA	\$ 370.00	ADVERTISMENT GRANT
39062	11/20/2019	MANUEL'S SMALL ENGINE REP	\$ 8.61	CORRECTION ON INVOICE-PAY
39063	11/20/2019	PACIFIC GAS & ELECTRIC	\$ 46,531.28	ALL DEPTS #7355932148-1
39064	11/20/2019	CSG CONSULTANTS, INC.	\$ 2,662.00	BLDG & INSPECTION 9/28/19
			\$ 3,939.35	BLDG & INSPEC REVIEW SERVICE
		Check Total:	\$ 6,601.35	
39065	11/20/2019	RENO'S MEGA MART	\$ 35.96	PW-PROPANE
39066	11/20/2019	SPARKLETTS	\$ 17.34	CITY HALL/PD/PW/SENIOR CTR
39067	11/20/2019	SWRCB ACCOUNTING OFFICE	\$ 31,217.00	ANNUAL PERMIT FEES 7/1/19
39068	11/20/2019	ALFRED VALDEZ	\$ 300.00	MONTHLY SALARY ATTENDANCE
39069	11/20/2019	WESTAMERICA BANK	\$ 1,000.00	CASH FOR XMAS PARADE PRIZE
39070	11/20/2019	CITY OF FIREBAUGH	\$ 95,869.49	PAYROLL ENDING 11/15/2019
39071	11/26/2019	AT&T MOBILITY	\$ (181.55)	CREDIT ON NOAH'S CELLPHONE
			\$ 803.35	CITY HALL/PW/COUNCIL CELL
			\$ 557.01	POLICE DEPT INTERNET/CELL
		Check Total:	\$ 1,178.81	
39072	11/26/2019	AT&T	\$ 750.09	ALL DEPTS INTERNET/TELEPHONE
39073	11/26/2019	THE BANK OF NEW YORK MELI	\$ 1,750.00	WASTE WATER REFUNDING
			\$ 1,750.00	WATER REFUNDING BONDS
		Check Total:	\$ 3,500.00	
39074	11/26/2019	CED-FRESNO	\$ 77.74	STREET LIGHTS-LAMP



**CITY OF FIREBAUGH ACCOUNTS PAYABLE**  
**WARRANTS NOVEMBER 1, 2019 - NOVEMBER 31, 2019**

<u>Check</u> <u>Number</u>	<u>Check</u> <u>Date</u>	<u>Name</u>	<u>Net</u> <u>Amount</u>	<u>Description</u>
39075	11/26/2019	CORBIN WILLITS SYSTEMS	\$ 1,051.58	ADMINISTRATION C/W SERVICE
39076	11/26/2019	ELECTRIC DRIVES, INC.	\$ 1,252.54	DUNKLE PARK-GASKET MATERIAL
39077	11/26/2019	EPPLER TRUCK SERVICE	\$ 115.00	FD-ADJUSTED BOTH DRIVER SERVICE
39078	11/26/2019	FERGUSON WATERWORKS #142	\$ 1,364.05	PW-METER
39079	11/26/2019	GOODALL TRUCKING, INC.	\$ 809.81	BASE ROCK MATERIAL
39080	11/26/2019	GOUVEIA ENGINEERING, INC.	\$ 735.00	705.09 FIREBAUGH VFW BUILDING
			\$ 354.38	715.01 MISCELLANEOUS MEETING
			\$ 278.25	720.01 PLANNING GENERAL
			\$ 595.88	725.01 PUBLIC WORKS GENERAL
			\$ 6,117.25	725.12 MULTI-BENEFIT
			\$ 10,210.00	730.09SRF WWTP DESIGN
			\$ 11,220.00	730.08D CDBG SEWER LINE REPAIR
			\$ 212.63	745.01 STREETS GENERAL
			\$ 220.50	745.02D HWY33 BEAUTIFICATION
			\$ 137.72	745.24D STPL-5224(024) 8T
			\$ 137.72	745.25D CML-5224(023)POSO CANAL
			\$ 3,849.54	745.26C RABE,DIAZ, & REV
			\$ 1,120.00	760.06C AIRPORT FENCE
			\$ 561.75	775.07 CENCAL BUILDERS
			\$ 4,567.50	775.09-1 GREYSTONE ESTATE
			\$ 70.88	775.09-2 GREYSTONE ESTATE
			\$ 44.63	775.09-3
			\$ 9,633.62	780.02 CENCAL BUILDERS
			\$ 13,382.14	780.03-1 GREYSTONE ESTATE
			\$ 5,201.75	785.03 WEST HILLS EXPANSION
			\$ 141.75	785.27 CENCAL SUBDIVISION
			\$ 1,063.13	785.28-1 GREYSTONE ESTATE
			\$ 1,598.63	785.28-2 GREYSTONE ESTATE
			\$ 204.75	785.28-3 GREYSTONE ESTATE
			\$ 273.00	795.03 CMAQ APPLICATIONS
			\$ 70.88	795.15 HUD TANK SRF APPLICATION
			\$ 472.50	710.12 HILLER LAWSUIT DEP
Check Total:			\$ 72,475.78	
39081	11/26/2019	HARDWARE DISTRIBUTION	\$ 2,790.95	ALUMINUM STENCIL/HANDICAP
39082	11/26/2019	INTERGRATED DESIGNS BY	\$ 2,000.00	FIRE STATION SERVICES
			\$ 4,050.00	VFW BUILDING SERVICES
			\$ 2,500.00	NEW POLICE STATITION SERVICE
Check Total:			\$ 8,550.00	

**CITY OF FIREBAUGH ACCOUNTS PAYABLE**  
**WARRANTS NOVEMBER 1, 2019 - NOVEMBER 31, 2019**

<u>Check</u> <u>Number</u>	<u>Check</u> <u>Date</u>	<u>Name</u>	<u>Net</u> <u>Amount</u>	<u>Description</u>
39083	11/26/2019	J.R. SIMPLOT COMPANY	\$ 150.00	A/F HALL CLEANING DEPOSIT
39084	11/26/2019	KER WEST, INC. DBA	\$ 90.00	PUBLIC HEARING CANNABIS
39085	11/26/2019	KUSSMAUL ELECTRONICS CO.	\$ 984.54	FD-ENGINE 150 AUTO PUMP
39086	11/26/2019	LOZANO SMITH ATTORNEYS A.	\$ 7,230.53	GENERAL LEGAL MATTERS
			\$ 74.00	GENERAL LITIGATION MATTER
			\$ 203.50	MARIJUANA REGULATION
		Check Total:	\$ 7,508.03	
39087	11/26/2019	PACIFIC GAS & ELECTRIC	\$ 1,475.80	TOMA TEK POND#10 METER
39088	11/26/2019	QUILL CORPORATION	\$ 231.97	CITY HALL-TRASH BAGS/COLORINE
			\$ 436.65	CLEANING SUPPLIES
			\$ (8.95)	CREDIT ON CLOROX DAMAGED
			\$ 155.44	TOWELS FOR COMMUNITY CENTER
			\$ 37.64	CLOROX BLEACH CITY HALL
			\$ 39.94	ENVELOPES FOR PAYROLL
			\$ 151.76	CITY HALL-POST ITS/FOLDER
			\$ 45.83	STAMPLES FOR OFFICE
		Check Total:	\$ 1,090.28	
39089	11/26/2019	ESMERLADA PONCE ROCHA	\$ 150.00	A/F HALL CLEANING DEPOSIT
39090	11/26/2019	CLAUDIA SOLIS-ALCALA	\$ 240.00	FACEBOOK FOR OCTOBER 2019
			\$ 150.00	FACEBOOK FOR SEPTEMBER 2019
		Check Total:	\$ 390.00	
39091	11/26/2019	ADRIANA SOSA	\$ 150.00	DUNKLE PARK ENCLOSED AREA
39092	11/26/2019	SWRCB ACCOUNTING OFFICE	\$ 2,625.00	ANNUAL PERMIT FEES 7/1/19
39093	11/26/2019	RAQUEL TABARES	\$ 210.00	DESIGN OF CHRISTMAS PARAD
39094	11/26/2019	TIFCO INDUSTRIES	\$ 173.30	HEX NUT/BOLT/DRILL SCREW/
			\$ 74.99	CARRIAGE BOLT ADPT BLACK
		Check Total:	\$ 248.29	
39095	11/26/2019	DATAPATH	\$ 992.50	DECEMBER 2019 MONTHLY BILLING
39096	11/26/2019	ROBERTO PEDRO	\$ 38.73	MQ CUSTOMER REFUND
39097	11/27/2019	AXCES INDUSTRIAL SUPPLY	\$ 660.81	FLOAT AWAY DEGREASER

**CITY OF FIREBAUGH ACCOUNTS PAYABLE**  
**WARRANTS NOVEMBER 1, 2019 - NOVEMBER 31, 2019**

<u>Check</u> <u>Number</u>	<u>Check</u> <u>Date</u>	<u>Name</u>	<u>Net</u> <u>Amount</u>	<u>Description</u>
39098	11/27/2019	BIG G'S AUTOMOTIVE CENTER	\$ 97.72	PW#35-OIL CHANGE/FILTER
			\$ 542.96	PW F250 REPAIR HEADLIGHT
		Check Total:	\$ 640.68	
39099	11/27/2019	ESAFETY SUPPLIES, INC.	\$ 455.29	LARGE/LARGE RAVEN NITRILE
39100	11/27/2019	CITY OF FIREBAUGH	\$ 41,454.86	ME CHECK NOVEMBER 2019
39101	11/27/2019	KER WEST, INC. DBA	\$ 120.00	PLANNING COMMISSION POSITION
39102	11/27/2019	MIGUEL'S PLUMBING SERVICE	\$ 160.00	10-4-19 CITY HALL UNPLUGG
39103	11/27/2019	TECH MASTER MANAGEMENT	\$ 150.00	CITY HALL/PW/SENIOR/COMM.
39104	11/27/2019	WESTAMERICA BANK	\$ 700.00	CASH FOR GIFT CARD PRIZES



## **CITY OF FIREBAUGH SCHEDULE FOR HOLIDAYS YEAR 2020**

January 1, 2020	(Wednesday)	New Year's Day
January 20, 2020	(Monday)	Martin Luther King Jr. Day
February 12, 2020	(Wednesday)	Lincoln's Birthday Day
February 17, 2020	(Monday)	President's Day
April 10, 2020	(Friday)	½ day off - Good Friday
May 25, 2020	(Monday)	Memorial Day
July 4, 2020	(Friday)	Independence Day 4 <sup>th</sup>
September 7, 2020	(Monday)	Labor Day
October 12, 2020	(Monday)	Columbus Day
November 11, 2020	(Wednesday)	Veterans Day – Nov 11
November 26, 2020	(Thursday)	Thanksgiving Day
November 27, 2020	(Friday)	After Thanksgiving Day
December 24, 2020	(Thursday)	½ day off – Christmas Eve 24 <sup>th</sup>
December 25, 2020	(Friday)	Christmas Day 25 <sup>th</sup>
December 31, 2020	(Thursday)	½ day off – New Year's Eve 31 <sup>st</sup>
January 1, 2021	(Friday)	New Year's Day

# CITY OF FIREBAUGH

## CITY COUNCIL REGULAR MEETING 1<sup>st</sup> & 3<sup>rd</sup> MONDAY OF EACH MONTH @ 6:00 PM SCHEDULE 2020

January 6, 2020	(Monday)	
January 20, 2020	(Monday)	Holiday – Martin Luther King Jr. Day

February 3, 2020	(Monday)	
February 17, 2020	(Monday)	Holiday - President Day

March 2, 2020	(Monday)	
March 16, 2020	(Monday)	

April 6, 2020	(Monday)	
April 20, 2020	(Monday)	

May 4, 2020	(Monday)	
May 18, 2020	(Monday)	

June 1, 2020	(Monday)	
June 15, 2020	(Monday)	

July 6, 2020	(Monday)	
July 20, 2020	(Monday)	

August 3, 2020	(Monday)	
August 17, 2020	(Monday)	

September 7, 2020	(Monday)	Holiday – Labor Day
September 21, 2020	(Monday)	

October 5, 2020	(Monday)	
October 19, 2020	(Monday)	

November 2, 2020	(Monday)	
November 16, 2020	(Monday)	

December 7, 2020	(Monday)	
December 21, 2020	(Monday)	

**\*\* City of Firebaugh Cantaloupe Round-Up**

**July 30, 31, & August 1, 2, 2020**

# **CITY OF FIREBAUGH**

## **COMMITTEE MEETING ASSIGNMENTS**

### **YEAR 2020**

1. City of Firebaugh/Council Meeting.

Date of Meeting: First and third Monday of each month  
Time: 6:00 p.m.  
Location: Andrew Firebaugh Community Center,  
1655 13th Street, Firebaugh

Members: Mayor Elsa Lopez  
Mayor Pro Tem Freddy Valdez  
Council Member Brady Jenkins  
Council Member Felipe Perez  
Council Member Marcia Sablan

2. City of Firebaugh Planning and Zoning Commission Meeting.

Date of Meeting: Second Monday of each month.  
Time: 6:00 p.m.  
Location: Andrew Firebaugh Community Center,  
1655 13th Street, Firebaugh

Members:	Planning/Zoning Chair	Mark Fickett
	Planning/Zoning Vice-Chair	Ivan Garcia
	Planning/Zoning Commissioner	Silvia Renteria
	Planning/Zoning Commissioner	Dennis Vasquez
	Planning/Zoning Commissioner	Vacant
	Planning Consultant	Karl Schoettler
	City Manager	Ben Gallegos

3. Fresno COG Meeting

Policy Advisory Committee

Date of Meeting: Second Friday of each month  
Time: 10:00 a.m.  
Location: Fresno County Room 600

Member: City Manager Ben Gallegos

COG/Fresno County Rural Transit Agency

Date of Meeting: Last Thursday of each month  
Time: 5:30 p.m.  
Location: Fresno County Room 600

Members: Mayor Elsa Lopez  
Mayor Pro Tem Freddy Valdez (Alternate)

4. Firebaugh Park and Recreation Board Meeting.

Date of Meeting: Third Wednesday of each month.  
Time: 11:30 a.m.  
Location: Firebaugh City Hall, Conference Room  
1133 P Street, Firebaugh

Members: Mayor Elsa Lopez  
Mayor Pro Tem Freddy Valdez  
City Manager Ben Gallegos  
School Dist. Superintendent Russell Freitas  
School Board Member Fernando Campa  
School Board Member Gilbert Coelho  
School Director of M.O.T Danny Barragan  
Citizen George Conklin  
Citizen Bette Carter

5. San Joaquin Valley Air Pollution Control District  
Special City Selection Committee Members for the City of Firebaugh

Members: Mayor Elsa Lopez  
Mayor Pro Tem Freddy Valdez (Alternate)

6. Airport Advisory Committee

Date of Meeting: Second Wednesday of every Month  
Time: 11:00 A.M.  
Location: City Hall Conference Room

City Manager Ben Gallegos  
Dino Lorenzetti  
Bill Davis  
Chris Von Allman  
Conlin Reis  
Alternates: Doug Thiel

7. Firebaugh Electric Christmas Parade Committee Meeting

Date of Meeting: Date/Time is not set.  
Time:  
Location: Firebaugh City Hall, Conference Room  
1133 P Street, Firebaugh

Members: Mayor Elsa Lopez  
Mayor Pro Tem Freddy Valdez  
City Manager Ben Gallegos  
Department Heads Sal Raygoza  
Ben Gallegos  
Isabel Saldivar  
Others Citizens

8. Firebaugh Annual Cantaloupe Round-up Festival

Date of Meeting: Date/Time is not set.  
Time:  
Location: Andrew Firebaugh Community Center

Members: Mayor Elsa Lopez  
Mayor Pro Tem Freddy Valdez  
City Manager Ben Gallegos  
Department Heads Sal Raygoza  
Ben Gallegos  
Staff Isabel Saldivar  
Others Citizens



**RESOLUTION NO. 19-58**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING  
AN AMENDMENT TO TENTATIVE SUBDIVISION MAP 2018-01  
(CEN CAL BUILDERS (DEL RIO PLACE))**

**WHEREAS**, a request was submitted by Cen Cal Builders, 3497 E. International Avenue, Clovis, CA 93619 for amendments to a Tentative Subdivision Map previously approved by the City of Firebaugh in February of 2019, and

**WHEREAS**, the subdivision as originally approved includes 42 single family residential lots zoned R-1-5, and

**WHEREAS**, the subdivision also called for the applicant to relocate an existing PG&E power line that traverses the site, and

**WHEREAS**, upon investigating the issue further the applicant believes it is not feasible to relocate the power line (in terms of cost and time), therefore the applicant has redesigned the subdivision to leave the line in place (with an easement) by reducing the number of lots and establishing a recreational open space area within the subdivision, and

**WHEREAS**, the amended subdivision design retains the street pattern previously approved but has reduced the number of lots to 33 single family residential lots and a park containing 23,450 square feet, and

**WHEREAS**, the site will remain zoned R-1-5 (Single Family Residential (5,000 s.f. minimum lot size)). All lots are larger than 5,000 square feet, and

**WHEREAS**, the Planning Commission conducted a public hearing on October 15, 2019 to consider this request and voted to recommend approval of the map amendment, and

**WHEREAS**, property owners within 300 feet of the subject site were notified of the meeting and a public hearing notice was published ten (10) days prior to the City Council's meeting, and

**WHEREAS**, the Planning Department has prepared a staff report and environmental finding, and

**WHEREAS**, the City Council held a public hearing on the proposed Tentative Subdivision Map and accepted testimony.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council, after considering all the evidence presented, determined the following findings were relevant in evaluating this project:

1. The project is consistent with the Firebaugh General Plan, as amended.
2. The original environmental analysis conducted for the project (consistent with CEQA (California Environmental Quality Act) has been reviewed and found to be valid. The Mitigated Negative Declaration adopted for the project will remain in force.

3. The subdivision design is consistent with standards of the Firebaugh Zoning Ordinance, Firebaugh Subdivision Ordinance and Firebaugh Improvements Manual.

4. The project will not have an adverse impact on the health, safety and welfare of residents in the neighborhood or community.

**NOW, THEREFORE BE IT RESOLVED THAT** the amendment to Tentative Subdivision Map 2018-01, as shown in Exhibit 1 and on file with the City of Firebaugh, is approved subject to the following conditions:

1. All minimum conditions of subdivision approval in the Subdivision Ordinance are included by reference.
2. The final map shall comply with all provisions of the Subdivision Map Act.
3. A final map shall be prepared by a California licensed land surveyor or registered civil engineer and be filed for City Council approval within 24 months from the approval of the tentative subdivision map by the City Council.
4. Prior to approval of the Final Map and recording thereof, subdivider shall:
  - a. Construct all public improvements or provide the required surety for the construction thereof for acceptance by the City Council.
  - b. All necessary dedications for rights of way and easements shall be provided to the City of Firebaugh, public utility companies, and other affected agencies.
5. Prior to approval of the Final Map, improvement plans for streets, utilities, drainage facilities, survey monuments, grading, and erosion control shall be submitted for the City Engineer's approval.
6. Public improvements shall conform to the latest edition of the City of Firebaugh Improvement Standards and any modifications thereto approved by the City Engineer in place at the time of construction. Improvements shall conform to other City adopted documents including the General Plan, Water Master Plan, Sewer Master Plan and Storm Water Master Plan. The work shall comply with all applicable State, Federal, and local laws and regulations.
7. A soils report prepared by a California registered geotechnical engineer shall be submitted to the City Engineer as part of the improvement plans. The soils report shall include recommendations for the structural sections for streets, excavation, compaction, clearing, and grubbing requirements.
8. Prior to approval of the improvement plans, subdivider shall prepare a Storm Water Pollution Prevention Plan (SWPPP) pursuant to the California Water Resources Control Board Order No. 2009-0009-DWQ, NPDES No. CA000002 for construction activities.
9. Prior to approval of the improvement plans, subdivider shall prepare a Dust Control Plan (DCP) and file the Plan with the San Joaquin Valley Air Pollution Control District for approval of construction activities for the project if required.

10. Prior to the issuance of any grading and encroachment permits, subdivider shall pay the permit fee, plan check and inspection fees, and furnish improvement securities pursuant to the City's improvement standards, municipal code, and ordinances. Improvement securities will be in accordance with standard set for in the California Subdivision Map Act and the City's Municipal Code.
11. Prior to the issuance of a building permit, subdivider shall pay all development impact fees as specified and pursuant to the City's municipal code, ordinances, and resolutions. The fee assessment shall include all applicable fees for Municipal Facilities, Police, Fire Protection, Streets and Bridges, Water, Domestic Wastewater, Storm Drainage, and Parks. Fees shall be paid at the time of the issuance of each permit.
12. The single and multifamily residential parcels shall be annexed to the any applicable Landscape and Lighting Maintenance District and Community Facilities District for the City of Firebaugh for all required and applicable assessments, or, at the City's discretion, subdivider will agree to form a new landscape and lighting maintenance district and/or community facilities district for the parcels.
13. Subdivider shall construct a perimeter CMU-block wall along the street frontages of Diaz Avenue and along SR-33 to extend the length of the property lines for the proposed project(s). The area between the wall and public sidewalk shall have a landscape buffer at least ten feet wide, landscaped with an appropriate combination of shrubs, ground cover and shade trees, approved by the City Planner.
14. Provide utility services to each lot including electric power, gas, telephone, and cable television.
15. Construct all proposed utilities underground within the street rights of way or public utility easement. Existing overhead utilities within the proposed parcels shall be undergrounded within the street right of way or easement and all poles shall be removed.
16. The rights of way and easements shown on the Tentative Map shall be preliminary until they are reviewed and approved by Caltrans and the City of Firebaugh.
17. Caltrans approvals and permits shall be obtained as follows:
  - a. All improvements within the Caltrans right-of-way shall conform to Caltrans Standards and shall be reviewed and approved by Caltrans.
  - b. Applicant shall obtain Caltrans encroachment permit for all work within the Caltrans right of way.
  - c. Applicant shall enter into an agreement to make improvements and pay impact fees to Caltrans per the Caltrans letter dated October 16, 2018 on file with the City.

## **Subdivision Public Improvements**

### Streets

18. Dedicate rights of way and public utility/pedestrian easements for North Lyon Avenue, Avenue "A", Avenue "B" & Avenue "C" and construct street improvements pursuant to Local street standards for the City of Firebaugh or as approved by the City Engineer.
19. Roadway improvements shall include, but not be limited to, pavement section, curb, gutter, sidewalk, curb ramps, driveways, cul-de-sacs, street lighting, landscaping, signage, and striping and shall conform to the City's Improvement Standards.
20. Dedicate right of way and public utility/pedestrian easement for Diaz Avenue and construct street improvements pursuant to Collector street standards for the City of Firebaugh or as approved by the City Engineer. Subdivider shall dedicate the right of way and easement for the south half of Diaz Avenue and shall construct street improvements for 2/3 of the street including, but not limited to, the pavement section, curb, gutter, sidewalk, curb ramps, street lighting, landscaping, signage, and striping pursuant to the City's Improvement Standards.
21. Dedicate right of way and construct street frontage improvements for State Route 33 as required by Caltrans and the City of Firebaugh.
22. Construct a second ingress/egress for the proposed subdivision connecting to the required Diaz Avenue street improvements.
23. Install traffic control improvements for the intersections of Diaz Avenue and State Route 33 and N Lyon Avenue and State Route 33 as required to accommodate existing traffic plus project plus buildout. Subdivider shall prepare a traffic impact analysis for the proposed project to determine the required traffic control improvements for these intersections.
24. The knuckles as shown on the Tentative Map are not acceptable. Construct street knuckles to the dimensions and curve lines as required per the City's Improvement Standards.
25. Design avenues and right-of-way property lines so that the turn radius will accommodate the appropriate design vehicle. Review vehicular turn radius especially at the end of North Lyon Ave., and at intersections of N. Lyon Ave. and Avenue "A" and Avenue to Avenue "C". Refer to City of Firebaugh Improvement Standards Section 3.

### Water System

26. Construct water mains, fire hydrants, blowoffs, sampling stations, and lateral connections as necessary to serve each lot.
27. Water services shall be sized to meet domestic and fire protection demands and shall include shutoff valves, corporation stops, and water meters. Subdivider shall incorporate water recirculation for residential sprinkler system at the water service or onsite plumbing.
28. Construct minimum 6-inch water mains on City streets and looped as needed to support the proposed development plan and as approved by the City Engineer. Pipe sizes greater than the minimum shall be determined from hydraulic calculations and/or modeling studies, consistent with the existing network grid, fire demand and service demand, or as recommended from the Water Master Plan.

29. Construct and/or extend water mains on State Route 33, North Lyon Avenue, Avenue "A", Avenue "B", Avenue "C", and Diaz Avenue.
30. Connect to the existing water main on State Route 33 and to the existing water main on the proposed North Lyon Avenue alignment to create an overall loop for the subdivision.

#### Sewer System

31. Construct sewer lines, lift stations, manholes, and lateral connections as necessary to serve each lot. Convey sanitary wastewater via a gravity flow system unless a lift station is required at points of connection due to topography restrictions.
32. Lateral connections shall include cleanouts and other required components per the City's Improvement Standards.
33. Construct minimum 8-inch sewer mains on City streets unless approved otherwise by the City Engineer. Pipe sizes greater than the minimum shall be determined from hydraulic calculations and/or modeling studies, consistent with the existing network grid, or as recommended from the Sewer Master Plan.
34. Construct and/or extend sewer mains on State Route 33, North Lyon Avenue, Avenue "A", Avenue "B", Avenue "C", and Diaz Avenue.
35. Convey all sewer flows from the proposed development to the City's existing Del Rio Pump Station #1 or to the existing 6" gravity main on State Route 33. Subdivider shall upgrade the existing lift station or gravity main to handle the additional sewer flows from the development or shall demonstrate these facilities have adequate capacity to handle the existing plus project flows.
36. The sewer flows from the proposed development would be conveyed by the City's existing Del Rio Pump Station #2 to the City's Wastewater Treatment Facility. Subdivider shall upgrade the existing Station #2 and the existing 4" force main between Cordel Avenue and Valle De Paz Avenue to handle the additional sewer flows from the development or shall demonstrate these facilities have adequate capacity to handle the existing plus project flows.

#### Storm Drainage

37. Construct storm drain lines, manholes, drain inlets, catch basins, detention basins, outfalls, lift stations, and lateral connections as necessary to serve each lot.
38. Construct storm sewers on City streets as determined from hydraulic calculations and/or modeling studies, consistent with the existing network grid, or as recommended from the

#### Storm Drain Master Plan.

39. All runoff from City streets shall be contained within the public rights of way or easements and conveyed to existing City storm drain basin located north and adjacent to the project site. The project's storm water shall be conveyed to the existing basin site using a new gravity main or via a new lift station and force main. Provide calculations and complete earthwork excavation at the existing basin as required to accommodate the additional storm water volume from the project site or demonstrate that this facility has the adequate capacity to handle the existing plus project flows.

### **Fire Department**

40. The project shall comply with requirements of the Fire Department, including installation of fire hydrants and no-parking areas, at locations directed by the Fire Chief

### **Planning**

41. The front yards and street side yards of all lots within the subdivision shall be landscaped prior to occupancy. Conceptual plans for the landscaping shall be submitted prior to approval of a building permit, and the landscaping shall be installed prior to approval of occupancy for a lot.
42. Street trees (of species to be approved by the City Planner) shall be planted within the parkway in front of each lot within the subdivision at a spacing of approximately every 25 feet. A street tree-planting plan shall be approved as part of the improvement plans for the subdivision.
43. Street lights on local streets shall be a decorative antique style as approved by the City Planner and City Engineer (similar to those established within the Valle Del Sol subdivision).
44. The location of gang mailboxes shall be shown on the improvement plans and shall be subject to approval by the Firebaugh Postmaster. If possible, gang mailboxes shall be situated against landscaping, including shrubs.
45. Fence setbacks on corner lots. Fences on the street side yard of corner lots shall be set back at least five feet behind the sidewalk. The intervening area shall be landscaped with an appropriate combination of groundcover and shrubbery. Climbing vines shall be trained onto the exterior fence surface for graffiti prevention and beautification.
46. The applicant shall prepare an acoustical analysis to identify measures to reduce noise generated by aircraft operations at Firebaugh Municipal Airport, traffic on Highway 33, as well as the railroad. Appropriate noise-reducing measures identified in the study shall be incorporated into the project design and construction.
47. Street sign poles. Support poles for street signs and all other traffic control signs shall be painted gloss black.
48. A landscaping and irrigation plan for the proposed park shall be prepared by the applicant and submitted to review and approval by the City, prior to installation of improvements. Park improvements shall be bonded in a form agreed to by the City Attorney. Park improvements shall be installed prior to the commencement of the final ten homes in the subdivision. The proposed park shall be improved to include turf, groundcover, shrubs and trees. A concrete walkway at least five feet wide shall be installed through the park, connecting Avenue "B" to Avenue "C". Decorative light fixtures shall be installed at locations approved by the Police Chief.
49. Walls on property lines of residential lots (Lot 20, 21, 22 and 19) abutting the park shall be of concrete masonry construction. The exterior surface of such walls shall be planted with climbing vines (e.g. creeping fig) for beautification and graffiti prevention.

## **50. Environmental Mitigation**

Measures identified on the Mitigated Negative Declaration are required, as follows:

### **1. Greenhouse Gas Emissions**

The project shall demonstrate compliance with the applicable BPS (Best Practical Solutions) strategies to the Planning Division prior to the issuance of a building permit. The following PBS strategies are considered to be applicable, feasible, and effective in reducing greenhouse gas emissions generated by development on the site:

- a. The project applicant shall provide a pedestrian access network that internally links all residential units and connects to the existing surrounding external streets and pedestrian facilities.
- b. The project applicant shall ensure site design and building placement minimize barriers to pedestrian access and interconnectivity. Physical barriers such as wells, berms, landscaping, and slopes between residential uses that impede bicycle or pedestrian circulation shall be eliminated. In addition, barriers to pedestrian access of neighboring facilities and sites shall be minimized.
- c. Any transit stops associated with the project shall be provided with safe and convenient bicycle/pedestrian access and provide essential transit stop improvements (i.e., shelters, route information, benches, and lighting).
- d. The project applicant shall install energy efficient roofing materials.
- e. The project applicant shall incorporate bike lanes and routes into the street system.
- f. The project applicant shall plant trees to provide shade.
- g. The project applicant shall install only natural gas or electric stoves in residences. The project applicant shall install energy efficient heating and cooling systems, appliances and equipment, and control systems.
- h. Require truck idling to be restricted during construction and operational phases of the project. During construction, the site shall be posted with signs that restrict truck idling to fifteen minutes or less.
- i. Reuse and recycle construction and demolition waste;
- j. Use low or zero-emission vehicles where practical, including construction vehicles;
- k. Conservative use of both potable and non-potable water to the maximum extent practicable;
- l. Use graywater where practical. (Graywater is untreated household waste water from bathtubs, showers, bathroom wash facilities, and water from washing machines).

Time Frame: Prior to and during construction

Responsible Party: Project contractor, Building Official and City Planner

### **2. Hydrology and Water Quality**

- a. Water hoses used during construction shall be equipped with automatic shut-off (e.g. spray gun),
- b. Landscaping shall feature drought-tolerant species, and irrigation shall be a low-flow drip (or equivalent) automatic system with soil moisture and rain shut-off sensors. Landscaping and irrigation plans shall be submitted for review and approval by the City Planner, prior to installation.

Time Frame: Prior to construction

Responsible Party: Project Contractor and Building Official

**3. Noise**

- a. Noise-generating construction activities at the site shall be limited to daylight hours, Monday through Saturdays.
- b. The applicant shall incorporate noise-reducing materials within dwellings to mitigate noise generated by traffic on Highway 33, railroad traffic, as well as aircraft operations at Firebaugh Municipal Airport.

Time Frame: During construction

Responsible Party: Project Contractor and Building Official

**4. Transportation/Traffic**

- a. The project will comply with Caltrans requirements for improvements along the project frontage along State Highway 33, including payment of fair share costs for impacts on State Highway facilities.

Time Frame: During Construction

Responsible Party: Project contractor and Caltrans

The foregoing Resolution was approved and adopted at a regular meeting of the City Council of the City of Firebaugh held on the 16<sup>th</sup> day of December, 2019, by the following vote:

**AYES:** Council Member(s)  
**NOES:** Council Member(s)  
**ABSENT:** Council Member(s)  
**ABSTAIN:** Council Member(s)

**APPROVED:**

**ATTEST:**

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Marcia Sablan, Mayor

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Rita Lozano, Deputy City Clerk





**FIREBAUGH CITY COUNCIL**  
**STAFF REPORT**

**Date:** December 16, 2019  
**To:** Firebaugh City Council  
**From:** Karl Schoettler, Planning Consultant  
**Subject:** General Plan Amendment/Zone Change 2019-03 (Valley Health Team)

**Summary/Recommendation**

The project proposes a zone change and General Plan land use amendment to allow for construction of a new employee parking lot on a parcel at the southeast corner of N and Zozaya Streets. The parking lot would serve a medical clinic that was approved in 2016 as part of Conditional Use Permit 2016-01. The Planning Commission conducted a public hearing on this project on December 9, 2019 and voted to recommend approval.

It is recommended the City Council take the following actions:

- Ask for the City Planner to deliver the staff report;
- Ask any questions of staff regarding the project;
- Open the public hearing and accept any public testimony regarding the project;
- Close the public hearing and discuss the project further as necessary;
- Ask for a motion for action on the project. It is recommended the City Council approve the project by adopting the following:

Resolution 19-68 (Environmental finding)

Resolution 19-69 (General Plan land use amendment)

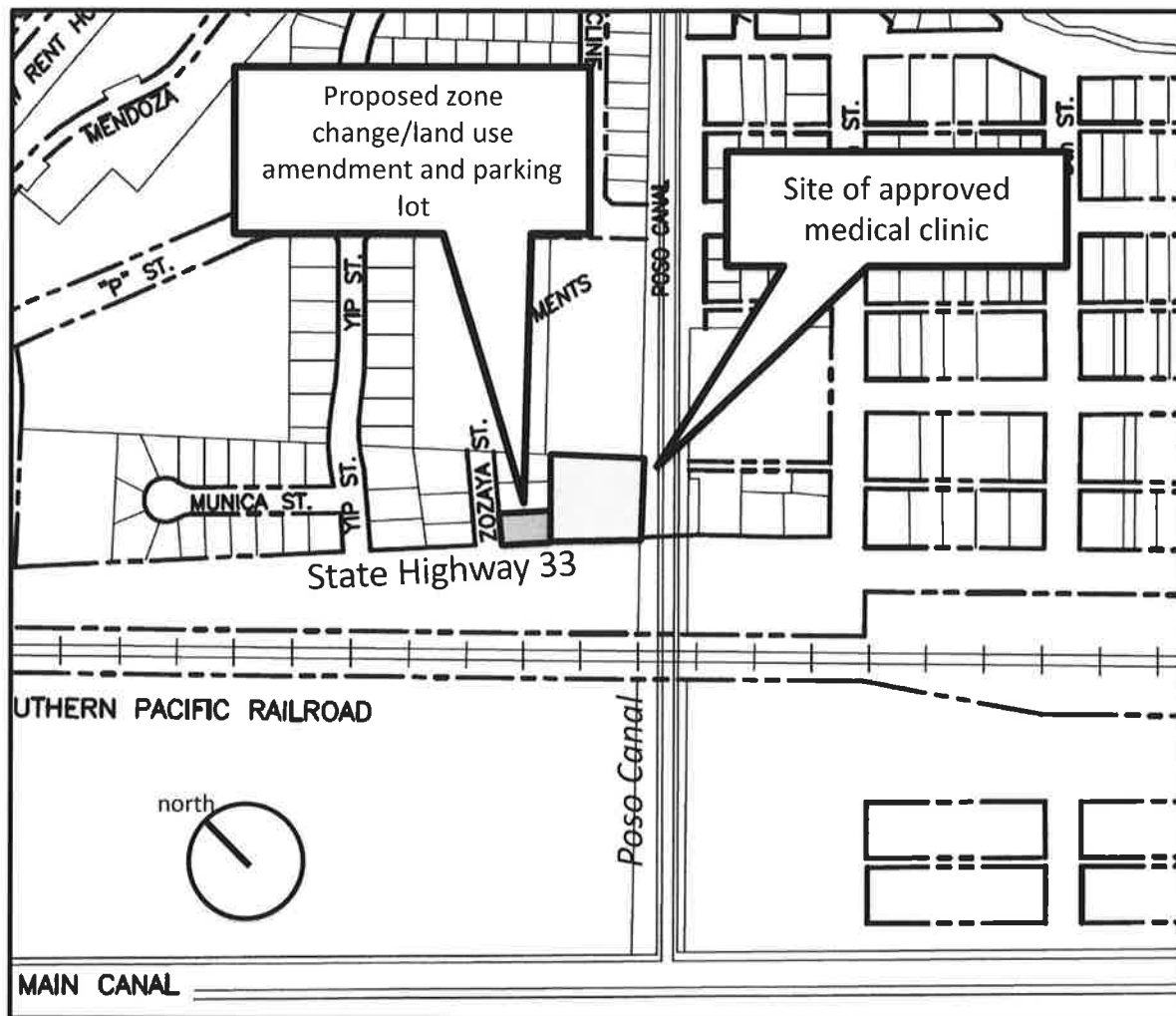
Introduce Ordinance 19-07 (Zone change)

**Discussion/Analysis**

In 2016 the applicant received approval of a Conditional Use Permit to remodel and expand an existing commercial building located at 689 N Street (Highway 33) for use as a medical clinic. Map 1 shows the location of the site and Map 2 is an aerial view.

Due to other priorities the applicant has waited until the current time to begin remodeling the facility. At the same time the applicant has determined they need more on-site parking and has therefore submitted this application to remove an existing house on the southeast corner of N and Zozaya and construct a parking lot for employees of the clinic. This first requires a zone change and General Plan land use amendment to apply commercial designations to the home site.

### Map 1: Location

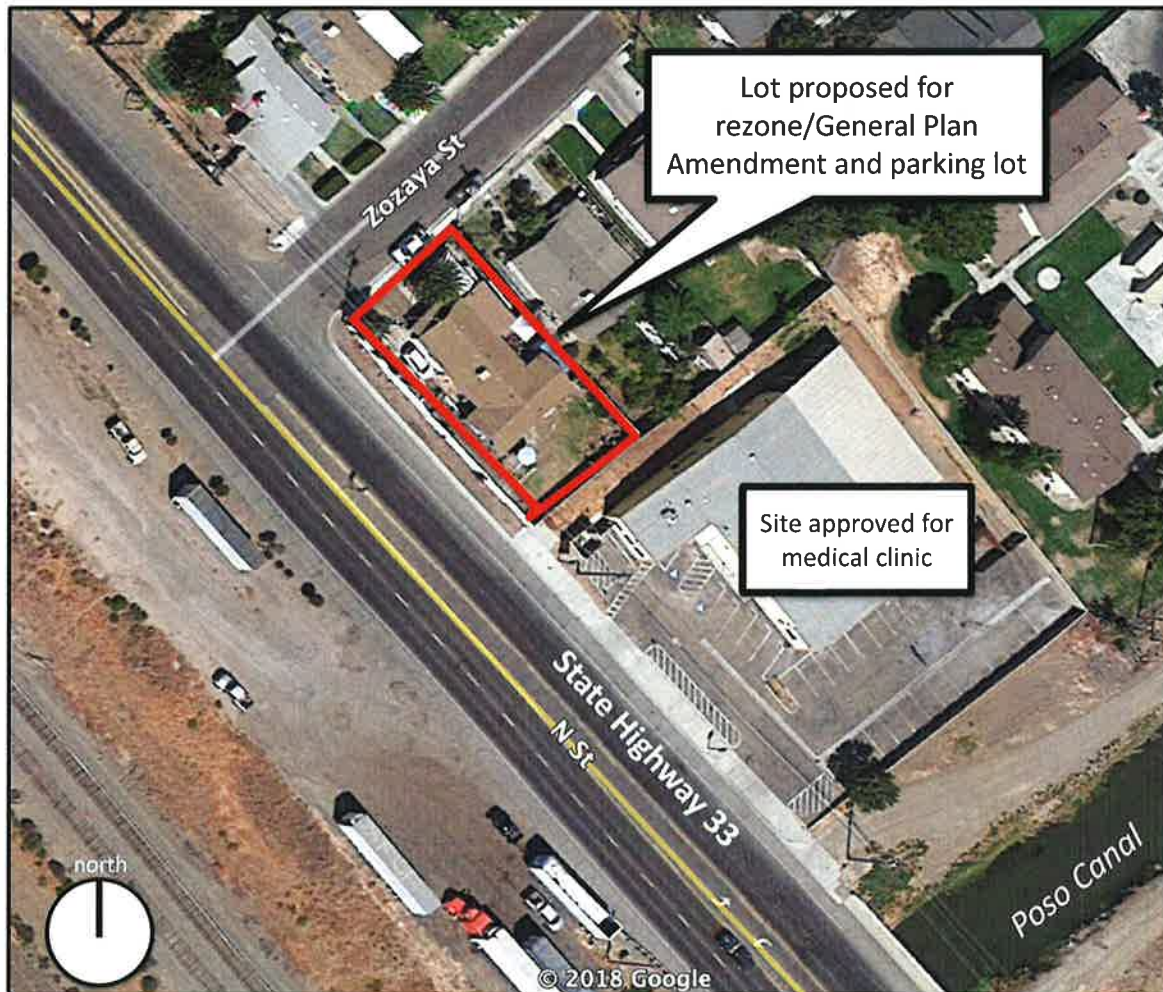


## Existing Land Use

The parcel at the southeast corner of N Street and Zozaya is occupied by an existing single family home. Zozaya is a short street that dead-ends to the east. Only six lots front onto this street. Each lot is occupied by a single family dwelling. Land to the south is occupied by the medical clinic site. Land to the west includes vacant land (truck parking) and the railroad.



**Map 2: Aerial Photo**



### Zoning and Land Use Designations

The parcel at the southeast corner of N and Zozaya is zoned R-1 (Single Family Residential) as are the other homes on Zozaya. The General Plan designates the site "Medium Density Residential" – which is consistent with the R-1 zone.

In order to allow development of the parking lot, the applicant is requesting approval of a zone change for the site to the C-1 (Neighborhood Commercial) zone. This will match up with the zoning of the medical clinic site, which is already zoned C-1. The General Plan land use designation is proposed to be changed to "Neighborhood Commercial". This is consistent with the C-1 zone.

Converting a lot within a residential neighborhood to commercial use might present a concern in some situations - that the commercial use could negatively impact the residential uses, due to issues like noise, light and traffic. Staff would be concerned in this location if the use being established was something like a fast food restaurant or store. Because the proposed use is an employee parking lot, the concern is not significant.

The parking lot will be buffered from the adjacent neighborhood by screening walls and landscaping. The parking lot will be limited to employees of the health clinic – not customers. Employees will only enter the site from Zozaya Street (and exit onto N Street, to the south). Therefore, employee vehicles will only travel a short distance into Zozaya before turning right into the parking lot. No vehicles will be exiting onto Zozaya. The applicant will be instructing all employees that they may not park on Zozaya Street, and must travel onto the street slowly, to keep noise and disruption to a minimum

### **Site Plan**

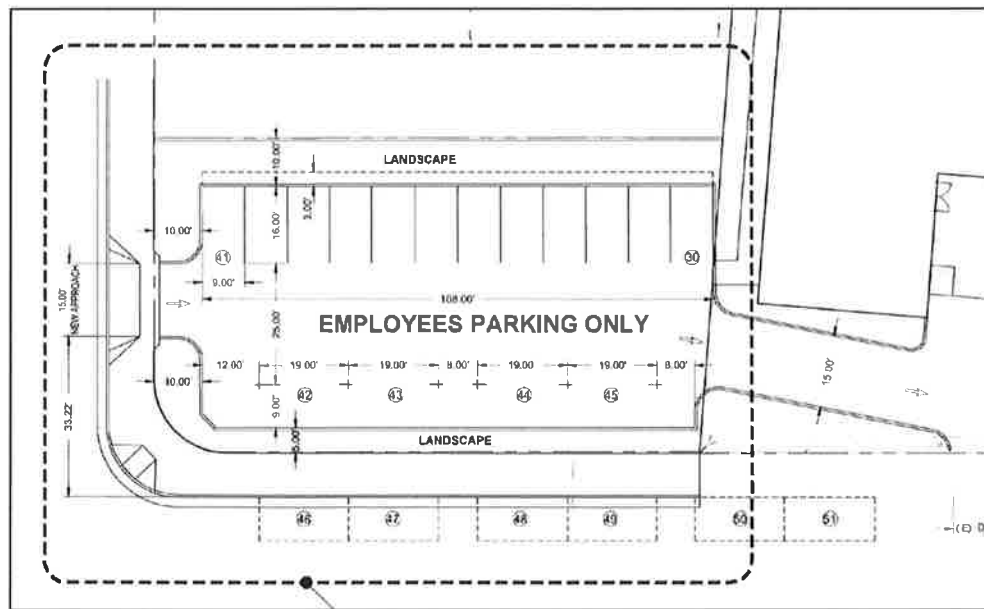
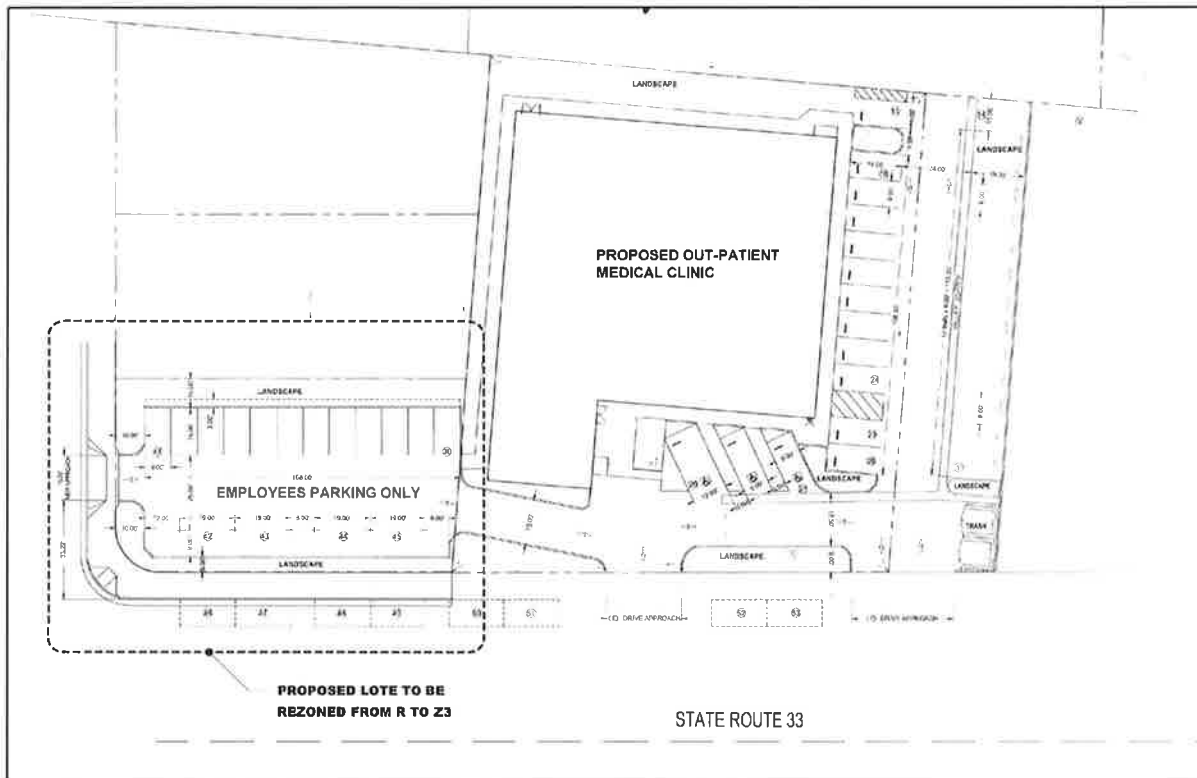
*(Note: Only the Planning Commission takes action on the Site Plan approval (in this case, an amendment to the 2016 Conditional Use Permit). The following is presented for the City Council's information.)*

Exhibit 1 shows the design of the proposed employee parking lot. Employees will enter the parking lot from a one-way driveway from Zozaya. Vehicles leaving the parking lot will travel south into the medical clinic parking area and exit onto N Street.

The parking lot features 12 standard spaces along the east side and 5 parallel spaces along the west side. The remaining areas of the parcel will be landscaped.

In order to ensure the site does not negatively impact the adjacent neighborhood the project is conditioned to install a six foot high concrete/masonry wall along the east property line. This will drop down to three feet within 20 feet of the property line on Zozaya Street. The three-foot wall will continue across the Zozaya frontage of the site within the middle of the landscape planter. The project will be required to plant shrubs and climbing vines to ensure the wall blends with the neighborhood and does not attract graffiti. These improvements will help screen and buffer the parking lot from the neighborhood.

**Exhibit 1: Proposed Parking Lot Site Plan (with detail below)**



**Environmental Analysis**

The City prepared an Initial Environmental Study for the project, as required by CEQA (California Environmental Quality Act). The study determined that the project would not have significant impacts on the environment provided that mitigation measures are implemented. These measures include:

- Aesthetics and Land Use Planning: To ensure the project does not negatively affect the neighborhood, the project will be required to establish landscaping and a solid masonry wall along Zozaya Street and the project's east and north boundaries. In addition, parking lot lighting has been conditioned to be moved to the west side of the site, so that it does not unduly impact the residence to the east of the site.
- Greenhouse gases. During construction, a variety of measures will be implemented to reduce the production of greenhouse gases.

#### Planning Commission Hearing

The Planning Commission conducted a public hearing on the project on December 9. The Commission voted unanimously to recommend approval of the zone change, land use amendment and environmental finding. The Commission voted to approve the amendment to Conditional Use Permit 2016-01. Per City and State code, all property owners within 300 feet of the site were notified of the Commission's meeting as well as the Council's hearing. No members of the public spoke at the Commission hearing, other than a representative for the project.

Based on the foregoing analysis it is recommended the City Council vote to approve the environmental analysis, the zone change and land use amendment.

#### **BACKGROUND INFORMATION**

Applicant/ Valley Health Team  
Owner: 21890 Colorado Avenue  
San Joaquin, CA 93660

Agent Victor Fabionar, Architect  
4315 E. Clinton Avenue  
Fresno, CA 93703

Location: The subject site for the zone change/General Plan Amendment is on the southeast corner of N Street (State Highway 33). The Assessor Parcel Number of that site is 008-030-033. The original site for the Conditional Use Permit is on the east side of N Street (State Highway 33) north of Poso Canal and south of Zozaya Street. The Assessor Parcel Number of that site is 008-030-005.

Request: The applicant is requesting approval of the following:

1. A General Plan land use amendment to change the land use designation for the parcel at the southeast corner of N Street and Zozaya Street from "Medium Density Residential" to "Neighborhood Commercial".
2. A zone change to change the zoning of the parcel at the southeast corner of N Street and Zozaya Street from R-1 (Single Family Residential) to C-1 (Neighborhood Commercial).
3. An amendment to Conditional Use Permit 2016-01 to expand the previously-approved Valley Health Team clinic onto the parcel at the southeast corner of N Street and Zozaya. The existing dwelling will be removed and a new employee parking lot constructed on the site.

Site: The parcel at the southeast corner of N Street and Zozaya is developed with an existing single family home.

The site to the south is developed with an existing commercial building and associated improvements that has been approved for a clinic for Valley Health Team. Surrounding land uses are as follows:

North: Single family homes  
South: Canal and vacant land  
East: Single family residential  
West: Highway, vacant land (truck parking) railroad and agriculture

Zone: The site at the southeast corner of N Street and Zozaya is zoned R-1 (Single Family Residential). The proposed zoning for this parcel is C-1 (Neighborhood Commercial). Key zoning standards for the C-1 district are as follows:

Front yard setback: 10 feet, minimum  
Rear yard setback: None required, except 10 feet, minimum required when a C-1 district abuts a residential district  
Side yard setback: None required, except 10 feet, minimum required when a C-1 district abuts a residential district  
Building height: 20 feet/1 story, maximum  
Lot Coverage: 33%, maximum  
Parking: One space per 250 square feet for medical clinics

Surrounding zone classifications are as follows:

North: R-1 (Single Family Residential)  
South: C-3 (General Commercial)  
West: M-1 (Light Manufacturing)  
East: R-1 (Single Family Residential)

General Plan: The parcel at the southeast corner of N Street and Zozaya is currently designated "Medium Density Residential" by the Land Use Element of the Firebaugh General Plan. The parcel to the south is designated "Neighborhood Commercial".

Access: Access to the site is provided by Highway 33 and by Zozaya Street. In the vicinity of the site, Highway 33 features two travel lanes in each direction and a median divider with continuous left turn lanes. Along the front of the site the highway is improved with curbs, gutters and sidewalks. Zozaya is designated as a Local Street. Along the site frontage this street features one travel lane and one parking lane in each direction, along with curbs, gutters and sidewalks. The intersection of N Street and Zozaya is controlled with a stop sign for westbound traffic on Zozaya.

Infrastructure: The site has access to city water and sewer lines, which run through an easement on the rear of the site. Storm drainage is provided via surface curbs and gutters.

Services: Police and fire protection are provided by the City of Firebaugh.

Environmental: The City has prepared an Initial Environmental Study to document potential environmental impacts of the project, as required by CEQA (California Environmental Quality Act). The Study determined that the project will not have significant impacts on the environment provided that mitigation measures are implemented. Mitigation measures have been identified related to the following issues:

- Aesthetics
- Greenhouse gases
- Land Use and Planning



**RESOLUTION NO. 19-68**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH ADOPTING A  
MITIGATED NEGATIVE DECLARATION FOR THE VALLEY HEALTH TEAM PROJECT  
(GENERAL PLAN AMENDMENT/ZONE CHANGE 2019-03 AND  
AMENDMENT TO CONDITIONAL USE PERMIT 2016-01).**

**WHEREAS**, an application for a General Plan Amendment, Zone Change, and amendment to an existing Conditional Use Permit was submitted by Valley Health Team, 21890 Colorado Avenue, San Joaquin, CA 93660 for one parcel containing a total of approximately 7,000 square feet, located on the southeast corner of N Street (State Highway 33) and Zozaya Street, in the City of Firebaugh. The Assessor Parcel Number of the site is 008-030-033, and

**WHEREAS**, the applicant's specific requests include:

**General Plan Amendment 2019-03** to change the Firebaugh General Plan's land use designation of the site from "Medium Density Residential" to "Neighborhood Commercial";

**Zone Change 2019-03** to change the zoning of the site from R-1 (Single Family Residential) to C-1 (Neighborhood Commercial); and

**Amendment to Conditional Use Permit 2016-01** to develop an employee parking lot on the subject site.

**WHEREAS**, the planning requests are considered a "project" under the Guidelines of the California Environmental Quality Act (CEQA) and accordingly an Initial Environmental Study was prepared, consistent with CEQA, and

**WHEREAS**, the Initial Environmental Study determined that the proposed project would not result in significant impacts to the environment provided that mitigation measures are implemented, and

**WHEREAS**, the Planning Commission conducted a public hearing on the project including the environmental finding on December 9, 2019 and voted to recommend approval of the Mitigated Negative Declaration as the environmental finding for the project, and

**WHEREAS**, the Planning Department has prepared a staff report on the project.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council, after considering all the evidence presented, determined the following findings were relevant in evaluating this action:

1. The proposed project is consistent with the goals, objectives and policies of the 2030 Firebaugh General Plan and the Firebaugh Zoning Ordinance.

2. The City of Firebaugh has prepared an Initial Environmental Study, consistent with the requirements of CEQA. The study determined the project will not have significant impacts on the environment provided that mitigation measures are implemented, as listed in Table 1. Accordingly, a Mitigated Negative Declaration was prepared.

3. The proposed action will not have an adverse impact on the health, safety and welfare of residents in the neighborhood or community

**NOW, THEREFORE BE IT RESOLVED THAT** the Initial Environmental Study prepared for the project and the Mitigated Negative Declaration are hereby approved by the Firebaugh City Council.

The foregoing resolution was adopted upon a motion of Council Member \_\_\_\_\_, second by Council Member \_\_\_\_\_, at a regular meeting of the Firebaugh City Council on the 16<sup>th</sup> day of December, 2019, by the following roll call vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
Marcia Sablan, Mayor

\_\_\_\_\_  
Rita Lozano, Deputy City Clerk

**Table 1: Mitigation Measures**

A. Aesthetics

1. The project shall submit a landscaping and irrigation plan for review and approval by the City that features a six foot concrete masonry wall east of the driveway and a four foot high wall within a landscape planter along the Zozaya Street frontage of the site. Landscaping on the street side of the wall shall feature a combination of groundcover, shrubs and turf. Climbing vines shall be trained onto the wall.

B. Greenhouse Gases

1. The project shall demonstrate compliance with the applicable BPS (Best Practical Solutions) strategies to the Planning Division prior to the issuance of a building permit. The following PBS strategies are considered to be applicable, feasible, and effective in reducing greenhouse gas emissions generated by development on the site:
  - a. The project applicant shall provide a pedestrian access network that internally links all residential units and connects to the existing surrounding external streets and pedestrian facilities.
  - b. The project applicant shall ensure site design and building placement minimize barriers to pedestrian access and interconnectivity. Physical barriers such as wells, berms, landscaping, and slopes between uses that impede bicycle or pedestrian circulation shall be eliminated. In addition, barriers to pedestrian access of neighboring facilities and sites shall be minimized.
  - c. Any transit stops associated with the project shall be provided with safe and convenient bicycle/pedestrian access and provide essential transit stop improvements (i.e., shelters, route information, benches, and lighting).
  - d. The project applicant shall incorporate bike lanes and routes into the street system, as applicable.
  - e. The project applicant shall plant trees to provide shade.
  - f. Require truck idling to be restricted during construction phases of the project. During construction, the site shall be posted with signs that restrict truck idling to fifteen minutes or less.
  - g. Reuse and recycle construction and demolition waste;
  - h. Use low or zero-emission vehicles where practical, including construction vehicles;
  - i. Conservative use of both potable and non-potable water to the maximum extent practicable;

C. Land Use/Planning

1. The north side of the site will feature a masonry wall and landscaping, to screen the site from other homes on the street.
2. The parking lot will be reserved for employees only; the public (customers) cannot enter the parking lot
3. The driveway to the parking lot will be "one-way in" – so that employee vehicles will enter the site from Zozaya Street but cannot exit onto Zozaya.

**RESOLUTION 19-69**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING  
GENERAL PLAN AMENDMENT 2019-03 (VALLEY HEALTH TEAM)**

**WHEREAS**, an application for a General Plan Amendment, Zone Change, and amendment to a Conditional Use Permit was submitted by Valley Health Team, 21890 Colorado Avenue, San Joaquin, CA 93660 for one parcel containing a total of approximately 7,800 square feet, located on the southeast corner of N Street (State Highway 33) and Zozaya Street, in the City of Firebaugh. The Assessor Parcel Number of the site is 008-030-033, and

**WHEREAS**, the site is currently designated "Medium Density Residential" on the Land Use Map of the 2030 Firebaugh General Plan, and further, the site is zoned R-1 (Single Family Residential) on the official zoning map of the City of Firebaugh, and

**WHEREAS**, the applicant is requesting the site be re-designated "Neighborhood Commercial" on the Land Use Map of the General Plan, and to be zoned "C-1" (Neighborhood Commercial), and

**WHEREAS**, the purpose of these amendments is to facilitate an amendment to Conditional Use Permit 2016-01 to allow for the construction of an employee parking lot on the site, and

**WHEREAS**, the Firebaugh Planning Commission conducted a public hearing to consider this application on December 9 2019 and voted to recommend approval of the amendment, and

**WHEREAS**, property owners within 300 feet of the subject site were notified of the meeting and a public hearing notice was published ten (10) days prior to the City Council's meeting, and

**WHEREAS**, the Planning Department has prepared a staff report and environmental finding, and

**WHEREAS**, the City Council held a public hearing on the General Plan Amendment and accepted testimony.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council, after considering all the evidence presented, determined the following findings were relevant in evaluating this request:

1. The proposed request will not have an adverse impact on the health, safety or welfare of surrounding residents or on the community.
2. The proposed request is consistent with the goals, objectives and policies of the Firebaugh General Plan.
3. The City prepared an Initial Study and Negative Declaration, consistent with the requirements of CEQA (California Environmental Quality Act) which found that the proposed project will not have a significant impact on the environment provided that mitigation measures are implemented. Accordingly, a Mitigated Negative Declaration has been prepared for adoption.
4. The property is within Firebaugh's sewer, water and storm drain service areas.

**NOW THEREFORE, BE IT FURTHER RESOLVED** that the City Council hereby approves General Plan Amendment 2019-03 as shown in Map 1.

The foregoing resolution was adopted upon a motion of Council Member \_\_\_\_\_, second by Council Member \_\_\_\_\_, at a regular meeting of the Firebaugh City Council on the 16th day of December, 2019, by the following roll call vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

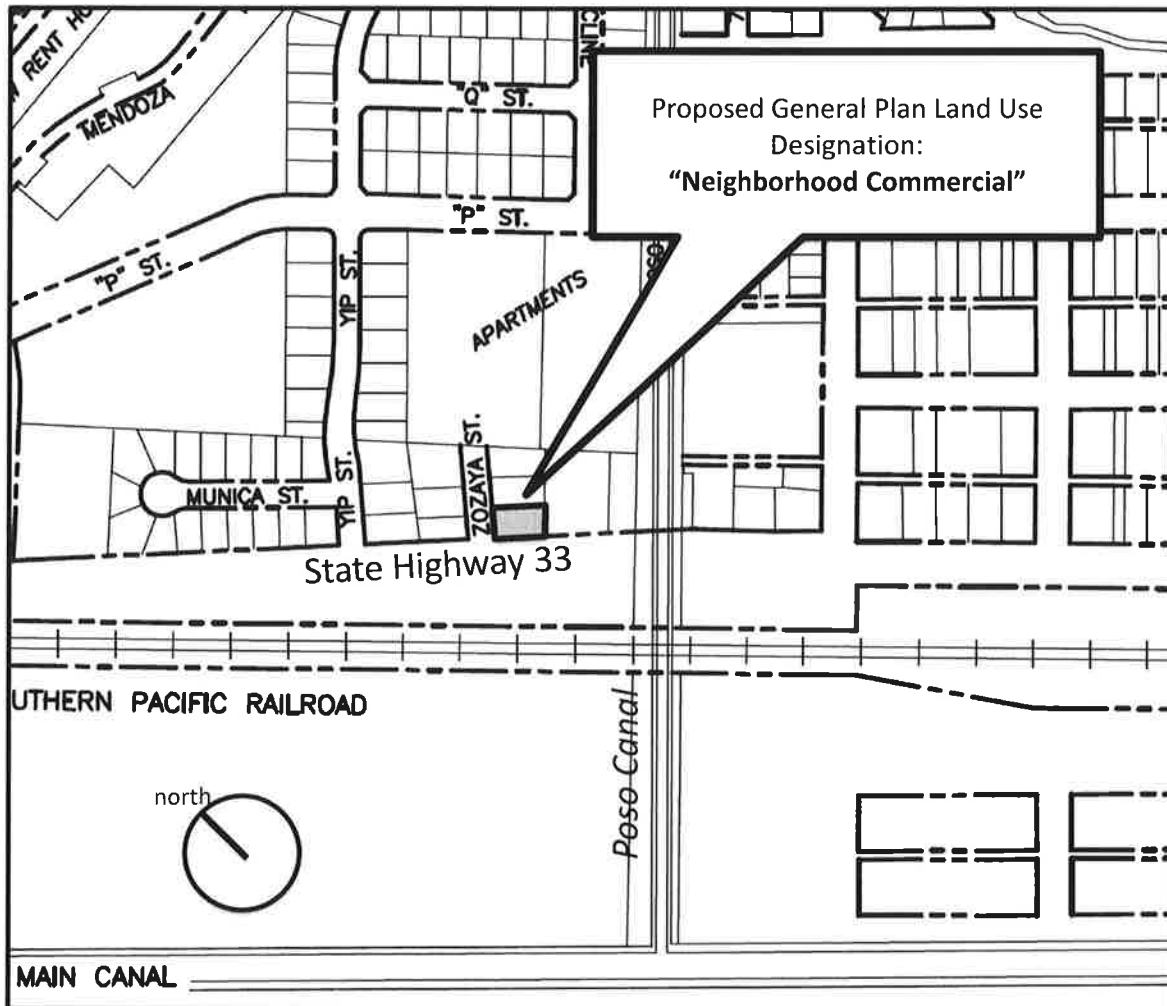
**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
Marcia Sablan, Mayor

\_\_\_\_\_  
Rita Lozano, Deputy City Clerk

**Map 1: *Proposed General Plan Land Use and Zoning Designations***



**ORDINANCE NO. 19-07**

**AN ORDINANCE OF THE CITY OF FIREBAUGH, COUNTY OF FRESNO, STATE OF CALIFORNIA, AMENDING ORDINANCE NO. 359, OF THE CITY OF FIREBAUGH, RELATING TO THE CLASSIFICATION OF THE ZONE OF PARTICULAR PARCELS OF REAL PROPERTY**

The City Council of the City of Firebaugh does ordain as follows:

**SECTION 1.** Section 25-2.1 of the Municipal Code of the City of Firebaugh is amended by changing the Zoning Map to redesignate one existing parcel zoned R-1 (Single Family Residential) to C-1 (Neighborhood Commercial) as shown on Map 1. The subject parcel is situated on the southeast corner of N Street and Zozaya Street.

**SECTION 2.** Severability. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed the remainder of this Ordinance, as if such invalid portion thereof had been deleted.

**SECTION 3.** This ordinance shall take effect thirty (30) days after its passage.

**SECTION 4.** The City Clerk is hereby ordered and directed to certify the passage of this Ordinance and to cause the same to be published once in a newspaper of general circulation, published in the County of Fresno.

I hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Firebaugh held on the 16th day of December, 2019, and passed and adopted at a regular meeting of the City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2020, by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

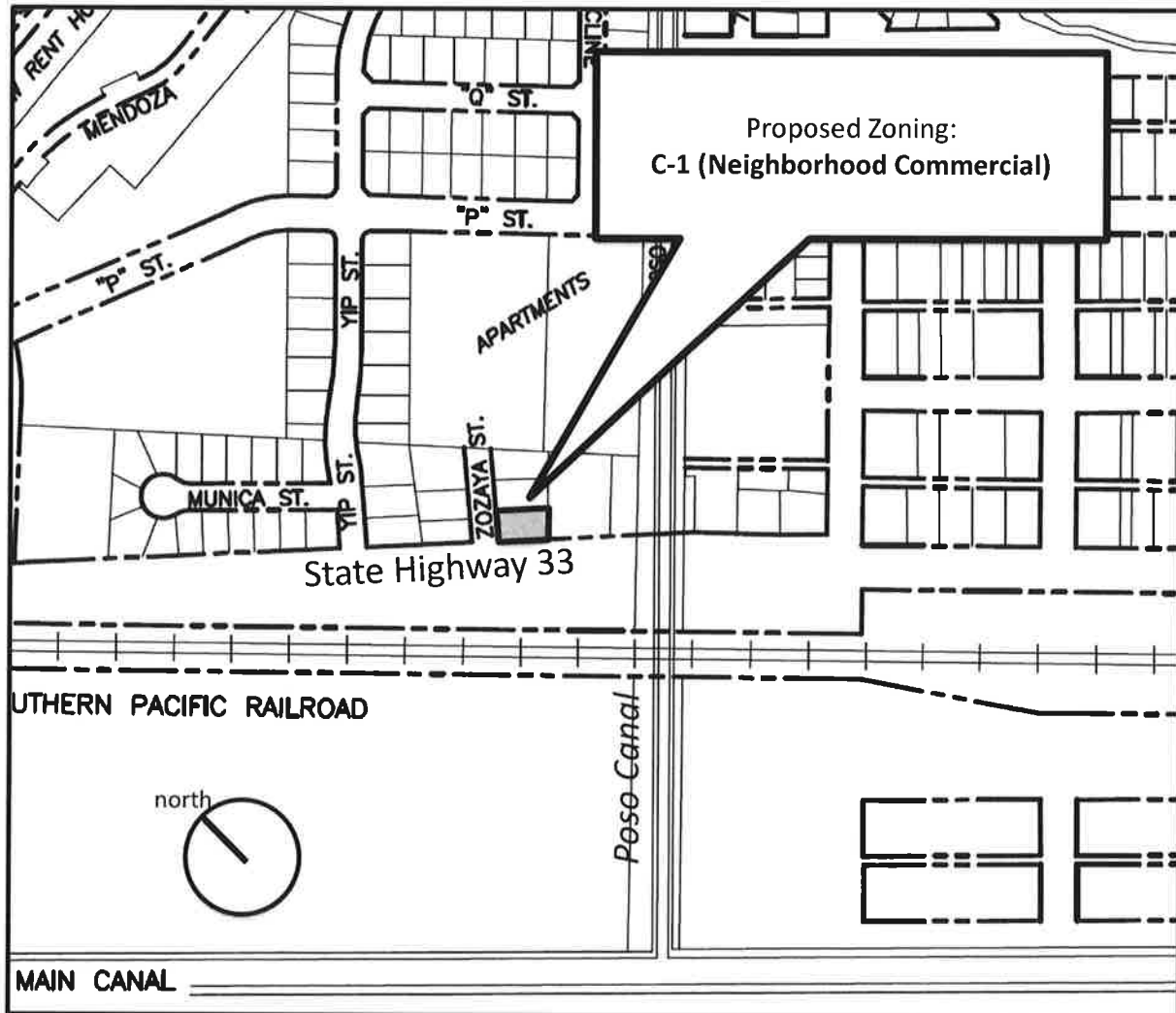
**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
Marcia Sablan, Mayor

\_\_\_\_\_  
Rita Lozano, Deputy City Clerk

Map 1: Zone Change 2019-03



**RESOLUTION NO. 19-64**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING  
PAYMENT OF INVOICE FOR MUNICIPAL CODE SERVICES TO GENERAL CODE**

**WHEREAS**, the City hired General Code to provide Municipal Code services, including code updates; and

**WHEREAS**, General Code has provided such services consistent with the attached estimated invoice (Exhibit "A") and seeks payment from the City.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Firebaugh as follows:

The City Manager is authorized to pay the \$13,520 noted in Exhibit "A".

The foregoing resolution was approved and adopted at a regular meeting of the City Council of the City of Firebaugh held on the 16<sup>th</sup> day of December, 2019, by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

**APPROVED:**

\_\_\_\_\_  
Marcia Sablan, Mayor  
City of Firebaugh

**ATTEST:**

\_\_\_\_\_  
Rita Lozano, Deputy City Clerk  
City of Firebaugh





A Member of the ICC Family of Companies

## Exhibit A

781 Elmgrove Road  
Rochester, New York 14624-2991  
(800)836-8834 \* Fax(585)328-8189

Invoice No. PG000020399  
Date: 12/11/2019  
Due Date: 1/10/2020  
Terms:  
Customer No FI4072

**Bill To:**

City of Firebaugh  
Rita Lozano  
1575 11Th Street

Firebaugh, CA 93622

PO No.

Description	Billing Amount	Tax	Total
Supplement#28 upon authorization of estimate	\$13,520.00	\$0.00	\$13,520.00

Interest will be charged on all past due accounts at 1.5% monthly.

Payment/Credit Applied:

\$0.00

This order is subject to General Code's Terms and Conditions which are available at [www.generalcode.com/TCdocs](http://www.generalcode.com/TCdocs)

**Total Due**

**\$13,520.00**

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**Voucher Form (if required)****Claimant's Certification**

I do solemnly declare and certify under penalties of the law that the within bill is correct in all its particulars, that the articles have been furnished or services rendered as stated therein, that no bonus has been given or received by any persons within knowledge of this claimant in connection with the above claim, that the amount therein stated is justly due and owing, and that the amount charged is a reasonable one.

Accounting Administrator

12/11/2019

Account Charged \_\_\_\_\_ Payment Record Check# \_\_\_\_\_ Dated \_\_\_\_\_  
Department Approval \_\_\_\_\_ Date \_\_\_\_\_

**Thank you for choosing General Code. We appreciate your business.**

**RESOLUTION NO. 19-65**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT DEFERRING BUILDING PERMIT FEES**

**WHEREAS**, the City has approved Tentative and Final Subdivision Map No. 6257 FOR GREYSTONE ESTATES PHASE 1 (Exhibit A "Map") to create 52 single family residential lots on a total of approximately 27.34 acres in the City of Firebaugh; and

**WHEREAS**, the development is subject to the payment of development impact fees and Developer wishes to obtain the building permits for 20 residential units and defer the actual impact fee payment until the commencement of construction of each unit; and

**WHEREAS**, the City Council deems it in the public interest to defer the payment of the fees until the commencement of construction for each of the 20 units.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Firebaugh:

The City Manager is authorized to enter into a Fee Deferral Agreement consistent with the attached **Exhibit "A"** allowing deferral of development impact fee payments for 20 residential units until the commencement of construction on each unit.

The foregoing resolution was adopted upon a motion of Council Member \_\_\_\_\_, second by Council Member \_\_\_\_\_, at a regular meeting of the Firebaugh City Council on the 16<sup>th</sup> of December, 2019, by the following roll call vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
**Marcia Sablan, Mayor**  
**Firebaugh City Council**

\_\_\_\_\_  
**Rita Lozano, Deputy City Clerk**  
**City of Firebaugh**

**EXHIBIT "A"**

**FEE DEFERRAL AGREEMENT**

This Agreement is between the City of Firebaugh ("City") and Gateway Homes, Inc., a California Corporation who are parties to that certain Subdivision Agreement dated \_\_\_\_ day of \_\_\_\_\_, 2019, pursuant to which Gateway Homes, Inc., ("Subdivider") is constructing the subdivision identified as Tract No. 6257 in the City of Firebaugh.

**WHEREAS**, the Subdivider wishes to apply for and obtain construction or building permits for 20 homes in Tract No. 6257 and to defer the cost and fees assessed by the City for issuance of the building permit until such time as actual construction of the dwelling for which each such building permit has been issued commences.

**NOW, THEREFORE**, it is agreed by and between the parties as follows:

1. The Subdivider, Gateway Homes, Inc., hereby applies for and the City agrees to issue 20 building permits for dwellings to be constructed in Tract No. 6257.
2. The City will defer all charges and fees for the issuance of the aforementioned building permits which shall become due and payable to the City upon the commencement of any part of any construction of any dwelling for which any such permit has been issued.
3. In the event each of the dwellings as to which building permits are issued pursuant to this Agreement is not constructed or construction commenced within one year after the date of execution of this Agreement, then the full amount of fees assessed and charged for each building permit issued pursuant to this Agreement shall become due and payable to the City.
4. This Agreement shall constitute a covenant running with the land, shall establish a lien on the property in favor of the City in the amount of the deferred charges, and shall be recorded in the Office of the Fresno County Recorder.

Dated: \_\_\_\_\_

**CITY OF FIREBAUGH**

By: \_\_\_\_\_  
\_\_\_\_\_, City Manager

Dated: \_\_\_\_\_

**GATEWAY HOMES, INC.**

By: \_\_\_\_\_  
\_\_\_\_\_, President

## **RESOLUTION NO. 19-66**

**AUTHORIZING AND DIRECTING THAT APPLICATION BE MADE TO OBTAIN A GRANT UNDER THE SUSTAINABLE GROUNDWATER MANAGEMENT GRANT PROGRAM'S PLANNING GRANT – ROUND 3 AND TO ENTER INTO AN AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF WATER RESOURCES TO RECEIVE A GRANT FOR THE DELTA-MENDOTA SUBBASIN SUPPLEMENTAL GSP DEVELOPMENT PROPOSAL**

**WHEREAS**, in 2014, the California Legislature passed and the Governor signed Senate Bills 1168 and 1319 and Assembly Bill 1739, known collectively as the Sustainable Groundwater Management Act of 2014 (SGMA); and,

**WHEREAS**, SGMA requires all high- and medium-priority groundwater Basins, as designated by the California Department of Water Resources (DWR) in Bulletin 118, to be managed under a Groundwater Sustainability Plan (GSP); and,

**WHEREAS**, SGMA requires a Groundwater Sustainability Plan (GSP) be developed and implemented for each medium- or high-priority basin by a Groundwater Sustainability Agency (GSA) or combination of GSA's; and,

**WHEREAS**, the Delta-Mendota Subbasin, DWR Basin No. 5-22.07 has, been designated by DWR as a high-priority critically overdrafted basin; and,

**WHEREAS**, the City of Firebaugh has formed the City of Firebaugh GSA Groundwater Sustainability Agency (City of Firebaugh GSA) in the Delta-Mendota Subbasin in accordance with SGMA; and,

**WHEREAS**, the combined boundaries of the 23 Delta-Mendota Subbasin GSAs cover the entire Delta-Mendota Subbasin; and,

**WHEREAS**, the California Drought, Water, Parks, Climate, Coastal Protection and Outdoor Access For All Act of 2019 (Proposition 68) was passed by the voters of California on June 5, 2018 to provide grants for the development and implementation of groundwater plans and projects; and,

**WHEREAS**, the City of Firebaugh GSA is eligible to apply for funding under Proposition 68.

**NOW, THEREFORE, BE IT RESOLVED** by the City of Firebaugh "GSA" Groundwater Sustainability Agency, as follows:

1. That application be made by the West Stanislaus Irrigation District GSA, on behalf of the City of Firebaugh GSA, to the California Department of Water Resources to obtain a grant under the 2019 Sustainable Groundwater Management (SGM) Grant Program Planning – Round 3 Grant pursuant to the 2018 California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act (Proposition 68) (Pub. Resources Code, § 80000 et seq.), and if such grant funding is awarded, to enter into an agreement on behalf of the Delta-Mendota Subbasin GSAs to receive said grant funds to be used in the manner described in the grant application titled, "Delta-Mendota Subbasin Supplemental GSP Development Proposal."

2. The West Stanislaus Irrigation District GSA is hereby authorized and directed to compile the necessary data and investigations, file such application, and if grant funds are awarded to execute the grant agreement and all documents related to the grant agreement with California Department of Water Resources.

The foregoing Resolution was introduced at a regular meeting of the City of Firebaugh GSA on the 16<sup>th</sup> day of December 2019. A motion was made and seconded to adopt the foregoing Resolution. Motion carried and the Resolution was adopted.

**PASSED and ADOPTED** this 16<sup>th</sup> day of December, 2019 by the following vote of the City of Firebaugh, to wit:

**AYES:**

**NOES:**

**ABSENT:**

**APPROVED:**

**ATTEST:**

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Marcia Sablan, Mayor

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Rita Lozano, Deputy City Clerk

**RESOLUTION NO. 19-67**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING  
A DEVELOPMENT AGREEMENT WITH ELEMENT 7 FIREBAUGH LLC FOR  
A COMMERCIAL CANNABIS BUSINESS**

**WHEREAS**, the City has adopted a Commercial Cannabis Ordinance, to allow legal and licensed businesses to operate within the City; and

**WHEREAS**, Element 7 Firebaugh LLC, a California limited liability corporation (“Developer”) proposes to operate a commercial cannabis manufacturing, distribution and delivery operation (“Cannabis Business”) in accordance with applicable law; and

**WHEREAS**, Developer owns real property at 1210 12th Street, Firebaugh, California (“Property”) where it will operate an approximately 3,000 square foot Cannabis Business; and

**WHEREAS**, Developer represents that it is an experienced developer and operator of cannabis businesses or has otherwise contracted with other experienced developers and operators of cannabis businesses; and

**WHEREAS**, City has approved a Conditional Use Permit (“CUP”) allowing the proposed Cannabis Business at the Property and City now wishes to enter into the Development Agreement (“Exhibit A”) to ensure the operation is conducted consistent with all applicable law.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Firebaugh as follows:

1. The Development Agreement between the City of Firebaugh and Developer in the form attached as **Exhibit A** is approved.
2. The City Manager is authorized to execute the Development Agreement on behalf of the City.

The foregoing resolution was approved and adopted at a regular meeting of the City Council of the City of Firebaugh held on the 16<sup>th</sup> day of December, 2019, by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

**APPROVED:**

**ATTEST:**

---

**Marcia Sablan, Mayor**  
**Firebaugh City Council**

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**Rita Lozano, Deputy City Clerk**  
**City of Firebaugh**

**DEVELOPMENT AGREEMENT**

**ELEMENT 7 FIREBAUGH LLC**

**AND**

**CITY OF FIREBAUGH**

## DEVELOPMENT AGREEMENT

This Development Agreement ("**Agreement**") is entered into effective [●] ("**Effective Date**") between the City of Firebaugh, a California municipal corporation and general law city ("**City**"), and Element 7 Firebaugh LLC, a California limited liability company ("**Developer**"). The parties hereby jointly render the following statement as to the background facts and circumstances underlying this Agreement:

### RECITALS

- A. **WHEREAS**, City has approved changes to its Marijuana Ordinance ("**Existing Ordinance**"), to allow legal and licensed businesses to operate within the City; and
- B. **WHEREAS**, Developer proposes to operate a commercial cannabis storefront, non-storefront retail (delivery), manufacturing (Types 6 and 7) and distribution operation in accordance with the California Medicinal and Adult-Use Cannabis Regulation and Safety Act within the City ("**MAUCRSA**" or the "**Act**"); and
- C. **WHEREAS**, Developer currently owns real property considered in this Agreement which has a development area approximately 3,000 square feet located at 1210 12<sup>th</sup> Street, Firebaugh, California ("**Property**"). The Site includes Assessor's Parcel Number 008-080-029 and is more fully described in Exhibit A and shown on the map in Exhibit B hereto; and
- D. **WHEREAS**, Developer acknowledges that nothing in this Agreement is intended to or shall operate to commit City's discretion with respect to required land use or other entitlements, permits, and approvals, including, without limitation, interpreting, enforcing, or amending the Existing Ordinance (such amended Existing Ordinance, hereinafter the "**Ordinance**") and issuing, monitoring, or revoking the Commercial Cannabis Permit (defined below) which may be required by Developer with respect to Developer's proposed use of the Property for the purpose of commercial cannabis storefront retail (with delivery), manufacturing and distribution activities (hereinafter the "**Project**"); and
- E. **WHEREAS**, Developer represents that it is an experienced developer and/or operator of commercial cannabis operations or has otherwise contracted with experienced commercial developers, operators, contractors, and other professionals for the purposes of developing the cannabis business; and
- F. **WHEREAS**, City has approved a Conditional Use Permit (CUP) allowing distribution, delivery, and manufacturing uses at the 1210 12th Street location and Developer will have to seek a separate CUP for a dispensary/ commercial cannabis storefront retail use.

**NOW, THEREFORE**, in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, City and Developer do hereby agree as follows:

1. Consideration. For the privilege of operating the Project in the City, Developer agrees to pay to City, in order to enable City to promote, protect, and enhance the health, safety, and welfare of the community and its residents and its quality of life, the following Fees:



**a. Business License Fee per applicable law.**

**b. Regulatory Fee per applicable law.**

**c. Revenue Raising Fee**

- **Manufacturing:** \$25.00 per square foot for first 3,000 square feet and \$10 per square foot thereafter annually.
- **Distribution/Delivery:** 1% of gross sales revenue or \$25,000, whichever amount is greater, annually.

2. Development of a Cannabis Business. The Project will consist of one industrial warehouse building totaling approximately 3,000 square feet on a 14,375 sq. ft. property. The building will contain the manufacturing, distribution, storefront and non-storefront retail (delivery) activities conducted in accordance with MAUCRSA and the Ordinance. Prior to operating the Project, Developer shall be required to obtain a commercial cannabis permit from the City ("**Commercial Cannabis Permit**") pursuant to the Ordinance.

3. Lawfulness of Activities, Indemnity and Insurance. Despite California's commercial cannabis laws and the terms and conditions of this Agreement, any Conditional Use Permit, or any Commercial Cannabis Permit issued pertaining to Developer or the Property, California commercial cannabis cultivators, transporters, distributors, or possessors may still be subject to arrest by state or federal officers and prosecuted under state or federal law. The Federal Controlled Substances Act, 21 USC § 801, prohibits the manufacture, distribution, and possession of cannabis without any exemptions for medical use. The City shall not assume any liability whatsoever with respect to having issued a Commercial Cannabis Permit or executing this Agreement, or otherwise approving the operation of any commercial cannabis business. Developer shall defend, indemnify and hold City its officers, agents, employees, and volunteers harmless from all claims, demands, damages, regulatory challenges, defense costs or liability of any kind arising from this Agreement.

a. Developer shall maintain commercial liability insurance with liability coverage of not less than \$1,000,000 minimum coverage per occurrence and \$2,000,000 aggregate coverage. Developer shall furnish City with proof of insurance issued by a company licensed to do business in California and showing City as named additional insured.

4. Developer Representations. Developer represents and warrants that Developer, and/or principal members of Developer, is/are an experienced developer and operator of commercial cannabis businesses with experience in cannabis operations, or has otherwise contracted with experienced commercial developers, architects, and/or other professionals for the purpose of developing the business. The qualifications and identity of Developer and Developer's contractors are of particular concern to City, and because of such qualifications and identity, City has entered into this Agreement with Developer. City has considered and relied upon Developer's representations and warranties in entering into this Agreement.

5. Other Fees.

a. Developer shall pay to City all customary business license fees and any regulatory fee that may be required as part of the Ordinance and for issuance of the Commercial Cannabis Permit.

b. In the event City passes any form of tax or special charge on cannabis products or businesses ("***New Cannabis Tax***"), City agrees that such New Cannabis Tax will not apply to Developer, and Developer is responsible to pay the Developer Fees under this Agreement in lieu of any New Cannabis Tax (unless such taxes provide more revenue to the City than the terms of this Agreement in which case those taxes shall apply).

c. Payment of Developer Fees and/or Taxes shall occur quarterly, with the first quarterly payment due upon the issuance of (i) the Commercial Cannabis Permit or (ii) a certificate of occupancy for the Project, whichever is earlier. All quarterly payments shall be received by City no later than 30 days following the end of the quarter to which Developer Fees and/or Taxes are applied.

6. Compliance with Laws. Developer shall operate the Project in conformity with MAUCRSA, Ordinance and any implementing regulations, as they may be amended from time to time. Developer shall comply with all other applicable laws, state labor standards, City zoning and development standards, building, plumbing, mechanical, and electrical codes, all other provisions of the Firebaugh Municipal Code, and all applicable disabled and handicapped access requirements, including without limitation the Americans With Disabilities Act, 42 U.S.C. Section 12101, *et seq.*, California Government Code Section 4450, *et seq.*, California Government Code Section 11135, *et seq.*, and the Unruh Civil Rights Act, Civil Code Section 51, *et seq.*, with respect to the existing and any proposed improvements on the Property.

7. Construction and Restrictions.

a. Construction and Other Operations. Developer shall defend, indemnify, assume all responsibility for, and hold Indemnified Parties harmless from all claims, demands, damages, defense costs, or liability of any kind or nature relating to the subject matter of this Agreement or the implementation thereof, including construction and operation of the Project, and for any damages to property or injuries to persons, including accidental death (including attorneys' fees and costs), which may be caused by any acts or omissions of Developer Parties in the performance under this Agreement, whether such damage shall accrue or be discovered before or after termination of this Agreement. Developer's liability under this Section is limited to the extent the property damage or bodily injury is caused by the sole negligence or willful misconduct of Indemnified Parties.

8. Restrictions on Assignment. Developer shall not transfer, delegate, or assign its interest, rights, duties, and obligations under this Agreement without the prior written consent of City, which consent shall not be unreasonably withheld. Developer shall submit a transfer application to the City Manager or City Manager's designee and pay any applicable transfer fee. The proposed transferee must show proof of lawful transfer of possession of the applicable location as may be acceptable to City.

Any assignment, or delegation without the prior written consent of City shall be null and void. Any transfer, delegation, or assignment by Developer as authorized herein shall be effective only if and upon the party to whom such transfer, delegation, or assignment is made is issued a Commercial Cannabis Permit as required under the Ordinance.

9. Defaults and Remedies.

a. In the event of alleged default or breach of any terms or conditions of this Agreement, the party alleging such default or breach shall give the other party not less than 30 days' notice in writing specifying the nature of the alleged default and the manner in which said default may be satisfactorily cured during any such 30 day period, and the party charged shall not be considered in default for purposes of termination or institution of legal proceedings. Notwithstanding the foregoing to the contrary, if the alleged default is of such a nature that it cannot be cured within 30 days, the alleged defaulting party shall not be deemed in default as long as such party commences to cure, correct, or remedy such default within such 30 day period and thereafter diligently prosecutes such cure to completion.

After notice and expiration of the 30-day period, the non-defaulting party, at its option, may institute legal proceedings pursuant to this Agreement. Such legal actions must be instituted in the County of Fresno Superior Court, or, if allowable, in the United States District Court, Eastern District of California.

10. In general, each of the parties hereto may pursue any remedy at law or equity available for breach of any provision of this Agreement. Nothing contained herein shall modify or abridge Developer's rights or remedies (including its rights for damages, if any) resulting from the exercise by City of its power of eminent domain. Term. The Agreement shall commence on the Effective Date and it shall terminate on the third year anniversary of the Effective Date ("**Initial Term**").

11. Miscellaneous Provisions.

a. Notices. Any notice or communication required hereunder between City and Developer must be in writing, and may be given either personally, by registered or certified mail (return receipt requested), by Federal Express, UPS, or other similar couriers providing overnight delivery, or by email. If personally delivered, a notice shall be deemed to have been given when delivered to the party to whom it is addressed. If given by registered or certified mail, such notice or communication shall be deemed to have been given and received on the first to occur of (i) actual receipt by any of the addressees designated below as the party to whom notices are to be sent, or (ii) four days after a registered or certified letter containing such notice, properly addressed, with postage prepaid, is deposited in the United States mail. If given by Federal Express or similar courier, a notice or communication shall be deemed to have been given and received on the date delivered, as shown on a receipt issued by the courier. Any party hereto may at any time, by giving ten days written notice to the other party hereto, designate any other address in substitution of the address to which such notice or communication shall be given. Such notices or communications shall be given to the parties at their addresses as set forth below:

To City: City of Firebaugh  
1133 P Street  
Firebaugh, CA 93622  
Attention: City Manager  
Phone: (559) 659-2043 ext. 206  
Email: [citymanager@ci.firebaugh.ca.us](mailto:citymanager@ci.firebaugh.ca.us)

With a copy to: James Sanchez  
Firebaugh City Attorney  
Lozano & Smith  
7404 N. Spalding Avenue  
Fresno, CA 93720  
Phone: (559) 431-5600  
Email: [jsanchez@lozanosmith.com](mailto:jsanchez@lozanosmith.com)

To Developer: Element 7 Firebaugh LLC  
8033 Sunset Blvd., #987  
Los Angeles, CA 90046  
Attention: Robert DiVito  
Tel: (424) 285-0088  
Email: [robert@e7ca.com](mailto:robert@e7ca.com)

With a copy to: Sheila Merchant, Esq.  
4612 Glencoe Ave, #4  
Marina del Rey, CA 90292  
Tel: (248) 703-5465  
Email: [sheila.merchant@gmail.com](mailto:sheila.merchant@gmail.com)

b. Amendment. This Agreement may be amended in whole or in part, only by the written mutual consent of the parties to this Agreement or their successors in interest.

c. No Waiver. Any failures or delays by any party in asserting any of its rights and remedies as to any default shall not operate as a waiver of any default or of any such rights or remedies, or deprive any other party of its right to institute and maintain any actions or proceedings which it may deem necessary to protect, assert or enforce any such rights or remedies. Nor shall a waiver by any party of a breach of any one or more of the terms or conditions of this Agreement be construed as waiver of any other term or condition under this Agreement.

d. Severability. If any part of this Agreement is found to conflict with applicable state laws or regulations, such part shall be inoperative, null, and void insofar as it conflicts with said laws or regulations, or modified or suspended as may be necessary to comply with such state laws or regulations, but the remainder of this Agreement shall continue to be in full force and effect.

e. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument. This execution of this Agreement may be by actual, facsimile, or electronic signature.

f. Jurisdiction. The law governing this Agreement shall be that of the State of California. Any suit brought by any party against any other party arising out of the performance of this Agreement or the breach, termination, enforcement, interpretation, or validity thereof, shall be filed and maintained in the County of Fresno Superior Court.

g. Constructive Notice and Acceptance. Every person who after the Effective Date and recording of this Agreement owns or acquires any right, title, or interest to any portion of the Property, is and shall be conclusively deemed to have consented and agreed to every provision contained herein, whether or not any reference to this Agreement is contained in the instrument by which such person acquired an interest in the Property, and all rights and interests of such person in the Property shall be subject to the terms, requirements, and provisions of this Agreement.

h. Binding Effect of Agreement. The parties agree that the Recitals above are true and correct and intend to be bound by same. Except as otherwise provided, the burdens of this Agreement are binding upon, and the benefits of this Agreement inure to, all authorized successors-in-interest of the parties and constitute covenants which run with the Property.

i. Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the development of the Project is a private development, that neither party is acting as the agent of the other in any respect hereunder, and that each party is an independent contracting entity with respect to the terms, covenants and conditions contained in this Agreement. No partnership, joint venture, or other association of any kind is formed by this Agreement. The only relationship between City and Developer is that of a government entity regulating the development of private property and the owner of such property.

j. City Approvals and Actions. City shall maintain authority over this Agreement, including the authority to implement this Agreement through the City Manager (or his/her duly authorized representative). The City Manager shall have the authority to make approvals, issue interpretations, waive provisions, and/or enter into certain amendments of this on behalf of City so long as such actions do not materially or substantially change the uses or development contemplated under this Agreement, and such approvals, interpretations, waivers and/or amendments may include extensions of time to perform, if applicable. All other material and/or substantive interpretations, waivers, or amendments shall require the consideration, action and written consent of the City Council.

k. Integration. This Agreement contains the entire understanding between the parties relating to the transaction contemplated by this Agreement, notwithstanding any previous negotiations or agreements between the parties or their predecessors in interest with respect to all or any part of the subject matter hereof. All prior or contemporaneous agreements, understandings, representations, and statements, oral or written, are merged in this Agreement and shall be of no further force or effect. Each party is entering this Agreement based solely upon the representations set forth herein and upon each party's own independent investigation of any

and all facts such party deems material. This Agreement includes all Attachments and Exhibits attached hereto, which are incorporated herein.

l. Most Favored Nation; Renegotiation. If City enters into a Development Agreement, or any other agreement with a commercial cannabis operator (each an “*Other Agreement*”), that has terms and conditions more favorable in the aggregate than those terms and conditions contained herein, City agrees that it will renegotiate such terms and conditions with Developer upon written notice from Developer, with the intent of offering Developer an agreement similar to the Other Agreement. The parties shall have 30 days from the date of City’s receipt of the notice to renegotiate and, if agreement is tentatively reached during that period, the parties shall approve any such amendment in a timely fashion. City and Developer are not required to reach agreement.

m. Legal Advice. Each party represents and warrants to the others the following:

(i) they have received independent legal advice from their respective legal counsel as to the matters set forth in this Agreement, or have knowingly chosen not to consult legal counsel as to the matters set forth in this Agreement; and,

(ii) they have freely signed this Agreement without any reliance upon any agreement, promise, statement, or representation by or on behalf of another party, or their respective agents, employees, or attorneys, except as specifically set forth in this Agreement, and without duress or coercion, whether economic or otherwise.

n. Cooperation. Each party agrees to cooperate with the others to achieve the purpose of this Agreement and shall execute such other and further documents and take such other and further actions as may be necessary or convenient to effect the transaction described herein.

o. Liability of City Officials and Employees. No official, employee, or agent of City shall be personally liable to Developer, or any successor in interest, in the event of any default or breach by City, or for any amount which may become due to Developer or its successors, or for any obligations under the terms of this Agreement.

p. Attorneys’ Fees. In any action or proceeding between the parties brought to interpret or enforce this Agreement, or which in any way arises out of the existence of this Agreement or is based upon any term or provision contained herein, the prevailing party in the action shall be entitled to recover from the non-prevailing party, in addition to damages, injunctive relief, or any other relief to which it might be entitled, reasonable costs and expenses including, without limitation, litigation costs and reasonable attorneys’ fees, in an amount to be determined by the court.

**IN WITNESS WHEREOF**, the City and the Developer have executed this Development Agreement as of the date set forth above.

**ELEMENT 7 FIREBAUGH LLC**

\_\_\_\_\_  
Robert DiVito, Managing Member

Date: \_\_\_\_\_

**CITY OF FIREBAUGH**

\_\_\_\_\_  
Ben Gallegos, City Manager

Date: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
Rita Lozano, Deputy City Clerk

Date: \_\_\_\_\_

**APPROVED AS TO FORM:**

\_\_\_\_\_  
James Sanchez, City Attorney

Date: \_\_\_\_\_